

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66344 of 2021**

Arising Out of PS. Case No.-360 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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GAURAV KUMAR Son of Surendra Singh Resident of Village- Simri Bigha,
P.S.- Warsaligunj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in GO No 360 of
2021/Excise Case No 1440 of 2021 instituted for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act.

The petitioner had earlier moved for grant of bail in
Cr Misc No 46107 of 2021, which the petitioner did not press
and was, accordingly, disposed of on 05.10.2021. Having
moved the Court of Special Judge, the petitioner has faced
rejection of his prayer for bail under order dated 26.10.2021 and
has, therefore, renewed his prayer for bail before this Court.



There is alleged recovery of 75 liters of illicit liquor from his house. It is submitted that the petitioner has no concern with the alleged recovery which was not in accordance with the mandatory procedure prescribed under Section 100 of Criminal Procedure Code. Petitioner has no criminal antecedent and he has been in custody now since 02.07.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Nawada in GO No 360 of 2021/Excise Case No 1440 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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