

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6455 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- BHAGWANPUR District- Vaishali

GULTEN KUMAR, Sjon of Rajhuni singh Resident of Village - Rasulpur
Sohawan, P.S. - Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bhagwanpur P.S. Case No. 164 of 2021, dated 26.07.2021,

registered for the offences punishable under Sections 467,

468, 272 and 273 of the Indian Penal Code and Section 30

(a) /36/41(i) of the Bihar Prohibition & Excise Act, 2016.

As per allegation, total 3407.76 liters of liquor was

recovered from a truck, bearing Registration No. JH-02U-

6693 and a pick-up van, bearing Registration No. BR-06GB-

1773.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither driver nor owner of the vehicle. It has further been submitted that the petitioner was not present at the time of alleged recovery of liquor and he has been arrested by police only on suspicion.

The petitioner is in custody since 29.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

It has further been stated that the petitioner has been made accused in Bhagwanpur P.S. Case No. 195 of 2021.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.



1 – cum – Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 164 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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