

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8653 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- PATORI District- Samastipur

=====

Guddu Kumar @ Guddu Kumar Ray @ Guddu Ray S/O Raj Kumar Ray
Resident Of Village- Baghra, P.S.- Patori (MOHANPUR O.P.), District-
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100), APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks regular bail in connection with
Patori (Mohanpur O.P.) P.S. Case No. 199 of 2021 instituted for
the offences punishable under Sections 272, 273 and 34 of the
Indian Penal Code and 30(a) of the Bihar Prohibition and Excise
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.09.2021, charge-sheet has been
submitted in the case and has antecedent of eight cases.

On the basis of secret information to the effect that



liquor is being unloaded at the house of Arjun Choudhary, police conducted the raid and found a vehicle. It is further alleged that after seeing the police party, all accused persons trying to flee away out, of them three persons were apprehended at the spot who disclosed their names as Pintu Kumar, Pintu Ray and Shivam Kumar. During the course of investigation, the apprehended persons disclosed the names of fleeing persons as Radhey Ray and Guddu Kumar (Petitioner). Illicit liquor of 1585.955 liters quantity came to be seized from the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and his name transpires in this case on the basis of confessional statement of the co-accused. It is further submitted that he is neither the owner of the truck in question nor the owner of the liquor in question, which has been seized from the place of occurrence. Further, it is submitted that the other co-accused persons namely, Pintu Kumar and Shivam Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 09.02.2022 passed in Cr. Misc. No. 50814 of 2021 and vide order dated 21.03.2022 passed in Cr. Misc. No. 50412 of 2021 respectively.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody since 20.09.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge, Excise, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 199 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

