

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9765 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- NATIONAL HIGHWAY District-
Samastipur

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Gautam Kumar @ Gautam Kr. Son of Sindheshwar Modi Resident of Village-
Near Shishu Vatika Vidya Mandir, Kharikabad, Kenduadih, Police Station-
Kusanda, District- Dhanbad (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with N.H.
Bangara P.S. Case No. 94/2021, corresponding to P.T. No.
307/2021 registered for the offences punishable under Sections
272, 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 873 liters of foreign liquor from Pick-up Van. The
petitioner was driver of the Pick-up van and he was
apprehended on spot along with other accused persons.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is driver of the said seized vehicle and in fact he was not aware about the storage of any prohibited substance. The petitioner is languishing in custody since 30.08.2021 and the petitioner bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, Excise, Samastipur in connection with N.H. Bangara P.S. Case No. 94/2021, corresponding to P.T. No. 307/2021, subject



to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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