

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14093 of 2022**

Arising Out of PS. Case No.-370 Year-2020 Thana- LALGANJ District- Vaishali

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Guddu Kumar @ Guddu Rai S/o Ram Babu Rai R/o village- Khajauli, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

For the Opposite Party/s : Ms. Asha Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Ms. Asha Kumari, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Lalganj P. S. Case No. 370 of 2020
registered for the offences punishable under Sections 30 (a)(c)
(d) 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on
search being made 200 litres spirit like substance was recovered



from a bamboo garden near the house of the petitioner. It is also alleged that several other incriminating articles/materials have also been recovered, which was said to be used for preparing counterfeit illegal liquor.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R., It is evident that the recovery has been made from a bamboo garden near the house of the petitioner and so far the bamboo garden is concerned, it does not belong to the petitioner. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession in as much as the bamboo garden does not belong to him. It is next submitted that the petitioner has been remanded in this case on 04.02.2022 and since then he is in custody. It is lastly submitted that only because of the past criminal antecedent, he has been implicated and remanded in this case.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found indulged in preparation of counterfeit/fake illicit liquor.

Having considered the submissions made on behalf of the parties and taking into account the fact that the recovery



has been made from a bamboo garden, which does not belong to the petitioner and moreover, he has been remanded in this case on 04.02.2022 and since then he is in custody, though the investigation of the crime is already concluded and the charge-sheet has been submitted and as such, keeping the petitioner behind the bar would not serve any purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. 1-cum-Additional District & Sessions Judge Vaishali at Hajipur in connection with Lalganj P. S. Case No. 370 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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