

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13464 of 2022

Arising Out of PS. Case No.-136 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Guddu Kumar Son Of 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 : Mr. Khurshid Anwar, 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 as well as 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 Excise Case C2A No. 136 of 2020
registered for the offences punishable under Sections 30(a)(d)
and 36 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on a
secret information that the petitioner is indulged in preparation



of counterfeit/fake liquor raided his house and from a hut near his house 607.680 litres foreign liquor and 1260 litres spirit was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is further submitted that the alleged hut from where recovery has been made does not belong to the petitioner and further prior to the institution of this case, the petitioner had absolutely fair antecedent but later on, after this case, he has been remanded in three other cases. It is next submitted that the petitioner is in custody since 16.02.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered for his person or possession and moreover, the alleged recovery has been made from a hut near Banana orchard, which is accessible to anyone, apart from that the investigation of the crime is completed and the charge-sheet has been submitted and as such, keeping the petitioner behind the



bar would serve no further 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 Special Excise Court no. 2-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Excise Case C2A No. 136 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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