

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18076 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BAUNSI District- Banka

Gulshan Kumar, Son of Vilash Sharma, Resident of Village - Balanaubad,
P.S.- Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Excise Case No. 153 of 2022 arising out of Bounsi P.S. Case No. 30 of 2022 registered for the alleged offences under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that police received information about smuggling of liquor and checking of vehicles was started. Driver of one vehicle with his vehicle tried to escape and it was intercepted and the petitioner driver along with the co-accused was apprehended. Total 197.640 litres of



India made foreign liquor was recovered from the vehicle so intercepted.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is merely a driver of the vehicle and he has no knowledge about the contraband kept in that vehicle. Nothing incriminating has been recovered from the conscious possession of this petitioner. There is no independent eye-witness to the seizure list which has been prepared in violation of Section 100 Cr.P.C. The petitioner has been made accused in another case. The other co-accused Rahul Kumar has been granted bail by this Court vide order dated 08.07.2022 passed in Cr. Misc. No. 16814 of 2022. The charge-sheet has been submitted in this case and the petitioner is in custody since 10.02.2022.

Learned APP opposes the prayer for bail submitting that the liquor has been recovered from the vehicle of this petitioner.

Having regard to the submissions made hereinabove and further considering the fact that the similarly placed co-accused has been granted bail and further considering the submission of charge-sheet as well as the period of his custody,



the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No.153 of 2022 arising out of Bounsi P.S. Case No. 30 of 2022, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) Petitioner will not commit similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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