

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21243 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- BARAUNI District- Begusarai

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Gulshan Kumar, S/o Late Arun Singh, R/o Village- Madhurapur, P.S.- Teghra,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Shubhesh Pandey, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Barauni (Gadhara O.P.) P.S. Case No. 510 of
2021 registered for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information, intercepted a Magic van, and on search
being made 418.56 litres of country made foreign liquor was
seized. The name of the petitioner has been disclosed as the
owner of the said vehicle.



It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is though the owner of the vehicle but the vehicle, in question, was being run on fare and moreover he has no concern with the alleged recovered illicit liquor, which was kept by the consigner or any of the passenger in the vehicle. It is further submitted that there are other serious irregularity in preparing the seizure-list apart from the fact that no incriminating material has been recovered from the person or possession of this petitioner, which suggests the complicity of the petitioner in the present crime. It is further submitted that the petitioner is in custody since 16.02.2022 having a man of fair antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is said to be the owner of the vehicle, which was being used for the purposes of trade of illicit liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the owner of the seized vehicle and the same was being run on fare and moreover this petitioner is in custody since 16.02.2022 and the charge-sheet has been submitted and



as such keeping the petitioner behind the bar would serve no further purpose and further there is no likelihood of commencement of the trial in near future, let the petitioner, named above, 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 Additional Sessions Judge-cum-Exclusive Excise Court No.-I, Begusarai in connection with Barauni (Gadhara O.P.) P.S. Case No. 510 of 2021 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.

(Harish Kumar, J)

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