

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21653 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KURSAILA District- Katihar

GHANSHYAM KUSHWAHA Son of Babu Lal Kushwaha Resident of
Basdila Mahant, P.S.- Patherwa, District- Kushinagar, U.P.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 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.

The petitioner seeks bail in connection with
Kursela P.S. Case No. 19 of 2022, G.R. No. 493 of 2022
registered for the offences punishable under Sections 467, 463,
471, 120(B), 420 of the Indian Penal Code read with Section
30(a), 36, 41(1) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 6444 litres foreign liquor from the truck in question. The
petitioner is alleged to be the driver-cum-owner of the said
truck. The petitioner is apprehended on spot with other co-
accused.



Learned counsel for the petitioner submits that petitioner is in custody since 04.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has not concerned with the alleged recovery of illicit wine. The petitioner was unaware of loading illicit liquor hiding below the bamboo and it is the co-accused and supplier of bamboo who have conspired and loaded alleged illegal wine in the truck.

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 there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the 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 Additional District and Sessions Judge-IV-cum-Special Judge (Excise) Court No. – 2, Katihar, District



Katihar in connection with Kursela P.S. Case No. 19 of 2022,
G.R. No. 493 of 2022, 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 without appropriate permission 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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