

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23140 of 2022**

Arising Out of PS. Case No.-790 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Gaurav Kumar Thakur Son Of Rajendra Thakur R/O Village- Ward No.-34,
Near Mahavir Mandir, Chatti Road, Miyan Chak, P.S.- Town, District-
Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 29-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Begusarai Town P.S. Case No. 790 of 2021 registered for the
offences punishable under Sections 120(B) of the Indian Penal
Code and Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 383.16 litre Indian made foreign liquor from the pick-up van
in question and motorcycle in question and petitioner along
with others was apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 30.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner and he has no concern with the seized pick-up van and motorcycle. It is further submitted that he has been falsely implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Exclusive Excise Court-1, Begusarai in connection with Begusarai Town P.S. Case No. 790 of 2021, 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)

sanjeev/-

U		T	
---	--	---	--

