

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24784 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

Gulshan Kumar @ Gulsan Kumar, Male, aged about 20 years, S/o Nawin Kumar @ Navin Kumar Resident of Village- Shankarpur Bakhadda, Police Station- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the State : Mr. Lalan Kumar, APP

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 Matihani P.S. Case No. 16 of 2020 registered for the offences punishable under Section 120 (B) of the Indian Penal Code and 30(a) /32 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 4812.84 litres of Indian made foreign liquor from truck in question and 27 litres Indian made foreign liquor from Scorpio in question. It is alleged that petitioner and others fled away from the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.02.2022 petitioner bears no criminal antecedent. Petitioner has falsely implicated in this case at the instance of his enemies. It is submitted that the petitioner is not named in the FIR, his name transpired in this case on the confessional statement of co-accused Bittu Kumar. Learned counsel further submits that co-accused Saurav Kumar and Bittu Kumar have already been granted bail vide Cr. Misc. No. 21819 of 2020 and Cr. Misc No 21754 of 2020 respectively by co-ordinate Bench of this Court and the case of present petitioner stands on better footing. Petitioner has no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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 Judge-I, Begusarai, in connection with Matihani P.S. Case No. 16 of 2020, 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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