

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26196 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- NADI P.S. District- Patna

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Gorakh Kumar S/O Sita Ram Rai R/O Village- Kripal Tola, P.S.- Nadi,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ranjeet Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Nadi P.S. Case No. 122 of 2021 for the
offence punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that the
police on secret information, that some persons are indulged
in selling illicit liquor, conducted raid and on seeing the
police party two persons tried to fled away but one person



succeeded to flee away and another was apprehended who disclosed his name Gorakh Kumar and on search 42 liters country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession and save and except the disclosure made by the petitioner, there is no other material which suggest the complicity of the petitioner. Further he is in custody since 03.04.2022 and the investigation of the crime is already completed and charge-sheet has been submitted. It is lastly submitted that only because of past two criminal antecedents his named has been implicated in this case.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in two cases of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested at spot nor any incriminating material has



been recovered and further he has no concerned with the alleged house/ place from where recovery has been made and they are in custody since 03.04.2022, moreover, investigation has already been completed and charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Special Judge, Excise Act, Patna City, Patna in connection with Nadi P.S. Case No. 122 of 2021 subject to the condition that one of the bailors will be the close relatives 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.



(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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