

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27001 of 2022**

Arising Out of PS. Case No.-31 Year-2022 Thana- GURARU District- Gaya

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Dhiraj Kumar Son Of Doman Sao @ Dev Kumar Resident Of Village-
Bahbalpur , P.S- Guraru, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate.

For the Opposite Party/s : Mr. Mohammed Arif, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Bindeswari Singh, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Guraru P. S. Case No. 31 of 2022
registered for the offences punishable under Sections 279 and



427 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while the police was on patrolling duty, they, on a secret information, tried to intercept a Swift Dzire Car, however the said car attach with a tractor, the persons sitting in the car fled away. On search, altogether 2025 litres Indian made foreign liquor and 250 litre country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation the name of the petitioner has transpired as owner of the Swift Dzire Car. It is further submitted that the petitioner has no concern with the alleged vehicle rather the registered owner of the vehicle was Md. Aamir and later on the said vehicle was sold to one Emran Akhtar on price of 1,30,000/-. It is next submitted that the petitioner has neither any concern with the alleged recovered recovered illicit wine nor with the vehicle but the accused persons only in order to conceal their involvement in the present case, has implicated the name of the petitioner showing a false affidavit, which does not bear the signature of Emran Akhtar. It is lastly submitted that this petitioner is in custody since 10.03.2022, having a man of fair antecedent.



On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that prima facie there is no valid documents showing ownership of the petitioner and moreover, he is in custody since 10.03.2022 and the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned I/c Excise Special Excise Judge, Court 02, Gaya, in connection with Guraru P. S. Case No. 31 of 2022, 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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