

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27601 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- BARACHATTI District- Gaya

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Gautam Kumar Son Of Ramanuj Rai R/O Village- Jamalpur Barhiya Nadi
Par, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Excise G.R. No.356/2022 arising out of Barachatti
(Mohanpur) P.S. Case No.176/2022 instituted under Section
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, in short, is that on secret
information, a pick-up van carrying English liquor was caught,
and on search, 661.29 liters English liquor was recovered from
the vehicle and the same was seized and seizure list was
prepared.

Learned counsel for the petitioner submits that he is
innocent and it is completely a false implication by the police



which has attributed the said recovery/seizure of the wine on him along with the other accused person due to the village politics and the locals who were inimical to him. He further submits that he has never indulged in criminal activity which reflect from para-3 of the bail application that he has no criminal antecedent. He lastly submits that charge-sheet has already been submitted and if released on bail, he is ready to abide by all the terms and conditions imposed by this Court.

Considering the fact that the petitioner has no criminal antecedent and the charge-sheet stands submitted as also that he is in custody since 01.03.2022 (as stated in para-10 of the bail application) this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Excise G.R. No.356/2022 arising out of Barachatti (Mohanpur) P.S. Case No.176/2022 to the satisfaction of learned Exclusive Special Excise Judge (Court No.2), Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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