

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27519 of 2022

Arising Out of PS. Case No.-293 Year-2022 Thana- KANKARBAG District- Patna

GAJENDRA KUMAR S/o Shri Jhagru Paswan R/o village- Sashona, P.S.-
Dhanarua, District- Patna, At present residing at House of Shri Pankaj Ji,
Mohall- Chirayatad, Chhoti Masjid, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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. Raj Shekhar, learned counsel for the
petitioner as well as Mr. Md. Matloob Rab, learned Additional
Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kankarbagh P. S. Case No. 293 of 2022
registered for the offences punishable under Sections 30 (a), 32
(i) (iii), 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that while
the Police party was on patrolling duty, they intercepted a
Scorpio Car, however, on noticing the Police party four persons,
who were sitting on the vehicle started fleeing away, out of four



persons one person (the petitioner) was apprehended. On search, 268.560 Indian made foreign liquor was recovered from the said vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the alleged seized vehicle nor with the recovered illicit wine. It is further submitted that from the tenor of the F.I.R., it is evident that the petitioner was not arrested while he was sitting in the vehicle rather he was arrested by the police from the road. In fact, the petitioner was a passer-by and on suspicion, he was arrested by the Police. It is next submitted that there is other irregularities in the seizure list and the police has taken his signature on a blank paper. It is lastly submitted that this petitioner has absolutely clean antecedent and he is in custody since 01.04.2022 and moreover, the investigation of the crime is already completed, and the charge sheet has been submitted.

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 the petitioner was neither arrested from the vehicle, in question, nor he has any concern with the recovered illicit wine and moreover, he is



in custody since 01.04.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Kankarbagh P. S. Case No. 293 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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