

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39132 of 2021

Arising Out of PS. Case No.-288 Year-2020 Thana- SUPPI District- Sitamarhi

Gulshan Kumar Singh @ Lulua, Son of Gauri Shankar Singh Resident of
Village - Barahi Chintaman, P.S.- Suppi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 23.12.2020 seeks
bail in connection with Suppi P.S. Case No.288/2020 registered
for offence punishable under Section 272/273 of IPC and under
Section 30(a) of Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 90 liters of
Nepali Saufi liquor was recovered from the motorcycle of the
petitioner.

Learned counsel appearing on behalf of the petitioner



submits nothing was recovered from the conscious possession of the petitioner. He further submits that motorcycle was parked and there is every possibility that the said quantity of liquor has been shown to have recovered from the motorcycle of the petitioner. Petitioner has clean antecedent.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case and in view of the statement made in paragraph no.3 of the bail petition, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lacs Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, IInd-cum-Special Judge (Excise), Sitamarhi in connection with Suppi P.S. Case No.288/2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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