

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30081 of 2022**

Arising Out of PS. Case No.-274 Year-2021 Thana- OBRA District- Aurangabad

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Gauri Shankar Prasad @ Gauri Shankar Son Of Late Ghura Ram Resident Of
Village- Manghariya, P.S- Barun , Dist- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 06-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 285 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that the recovery has been made from the tempo in question. In fact the petitioner is



owner of the tempo in question and it appears from the FIR itself that the driver of the tempo namely Abhay Kumar who was arrested alongwith tempo at the time of occurrence. Further submits that the similarly situated co-accused namely Abhay Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 08.03.2022 passed in Cr.Misc.No.7333 of 2022 by a Coordinate Bench of this Hon'ble Court and several other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 08.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Obra P.S. Case No.274 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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