

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39135 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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GAURI SINGH Son of - Late Rajeshwar Singh Resident of Village- Bans
Dariyapur, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard learned counsel appearing for the petitioner and

learned A.P.P. for the State through video conferencing.

The petitioner, who is in custody since 16.06.2021,
seeks regular bail in connection with Excise Case No. 101 C2
of 2020 for the offence punishable under Section 30(a), 32, 41,
56(a) and 62 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The prosecution case, in brief, is that altogether
228 litres of Indian Made Foreign Liquor was recovered from
the joint house of the petitioner. It has further been alleged that
the said house belongs to the petitioner Gauri Singh, who is
engaged in illicit trade of liquor.

Learned counsel appearing for the petitioner
submits that petitioner is innocent and there is no specific



allegation in the F.I.R. as to who is engaged in the illegal trade of illicit liquor. He further submits that petitioner has no knowledge about the alleged incidence and the seizure-list was not prepared on the spot. He further submits that no recovery was made in presence of the petitioner.

Learned A.P.P., however, opposes the prayer for grant of bail of the petitioner.

Having considered the fact that it is not the first case in which the petitioner has been engaged in trade of illicit liquor rather one other case is also pending against the petitioner bearing Excise Case no. 11 C2 of 2021 in which he has already been released on bail vide order dated 03.01.2022 passed in Criminal Miscellaneous No. 40793 of 2021. The petitioner seems to be the habitual offender. This Court directs to release the petitioner on bail subject to the condition that petitioner shall furnish Bank Draft of Rs. 2,00,000/- (Rs. Two lakh) in favour of Bihar State Legal Services Authority at Patna in Court below, which shall be retained by the Court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs. 25,000/-(Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II-cum-Special Judge (Excise), Lakhisarai in connection with Excise Case no. 101 C2 of 2020 subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then



the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

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