

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39149 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- BIBHUTIPUR District- Samastipur

GAURAV KUMAR @ BUTAN, son of Shri Sanjiv Kumar Singh, Resident of
village-Pateliya, P.S. Vibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 19.05.2021,
seeks bail in connection with Vibhutipur P.S. Case No. 245 of
2020, for the offence punishable under Section 272 and 273 of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

The prosecution case, in brief, is that altogether
5507.640 litres of illicit liquor was recovered from the truck
bearing registration No. UP1280-0195.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of



the petitioner. He further submits that similarly situated co-accused, namely, Rupesh Kumar and Ajit Kumar have already been released on bail on 23.09.2021 passed in Criminal Miscellaneous No. 20601 of 2021 and 23.12.2021 passed in Criminal Miscellaneous No. 27020 of 2021.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of liquor has been recovered as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise), Samastipur in connection with Vibhutipur P.S. Case No. 245 of 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 tampers 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 petitioner.

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

(Purnendu Singh, J)

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