

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39748 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- DEEPNAGAR District- Nalanda

Gaurav Kumar Son of Gorendra Prasad Resident of Village - Bhikhari Bigha,
P.S.- Sare, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 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 15.03.2021 seeks
bail in connection with Deep Nagar P.S. Case No.379 of 2020
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief, is that altogether 612 liters
of different brands of Indian made foreign liquor was recovered
from Mini Truck 407 bearing registration no. DL-1LK-3776.

Learned counsel appearing on behalf of the petitioner



submits that the alleged truck bearing registration no. DL-1LK-3776, from which different brands of illicit liquor was recovered is not registered in his name, rather he has been made accused in the present case only because two criminal case for offence under Section 30(a),(c),(d),33/36 of Bihar Prohibition and Excise Act has been registered against. He further submits that nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner. It has further been submitted that illegal trade of liquor is rampant in the State of Bihar and its consumption has led to the death of several innocent people and such conduct of the petitioner is also against the public interest.

Considering the above-mentioned facts and circumstances of the case, after verifying and getting a report from DTO having jurisdiction as to whether the said mini truck bearing registration no. DL-1LK-3776 is registered in the name of petitioner or not, if the said truck is not registered in the name of the petitioner or he is no where connected with the said truck, the petitioner, above named, is directed to 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 Second Additional Sessions Judge-Cum-Special Judge, Excise, Nalanda at Biharsharif in connection with Deep Nagar P.S. Case No.379 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 release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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