

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36786 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- BELDOUR District- Khagaria

Gulshan Kumar Son Of Vilash Sharma Resident Of Village- Bela, P.S.-
Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Binod Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Beldaur P. S. Case No. 230 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that altogether 828.72 litres Indian made foreign liquor was recovered from Bungalow of one Golu Kumar as well as from a



Santro Car. The name of the petitioner has been disclosed by the apprehended person.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the Bungalow and Santro Car, which does not belong to the petitioner. It is next submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is further submitted that the co-accused Golu Kumar has already been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 18136 of 2022. It is last submitted that the petitioner being a student, is in custody since 21.05.2022 and only because of past criminal antecedent, his name has been implicated in this case.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the facts that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the places and the vehicle from which recovery has been made, does not belong to the petitioner in as much as the petitioner being student, is in custody since



21.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Khagaria in connection with Beldaur P. S. Case No. 230 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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