

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47526 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- FATEHPUR District- Gaya

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BINDA GIRI, Son of Kailash Giri Resident of Village- Jamheta, P.S.-
Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Arvind Kumar Pandey(App. 84)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-02-2022 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 28.03.2021,
seeks regular bail in connection with Fatehpur P.S. Case No. 95
of 2021, for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that on 27.03.2021, in
course of checking of vehicle, two motorcycles were intercepted and
on search 50-50 litres country made liquor were recovered from each
motorcycle from the possession of petitioner and one co-accused
Surendra Chaudhary.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the motorcycle on which the alleged 50-50 litres of country made liquor has been recovered belong to the petitioner, however, he has denied the allegation of carrying of illicit liquor on the said vehicle. He further submits that the seizure-list was prepared in the Police custody and the petitioner has been shown carrying the illicit liquor.

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

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Fatehpur P.S. Case No. 95 of 2021, subject to the condition that the petitioner will make his attendance before the S.H.O. of the concerned Police Station on every Saturday of the month at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the concerned Superintendent of Police till the conclusion of the trial, if there is even a single day default, the bail bonds of the petitioner shall, automatically, be cancelled as well as 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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