

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48681 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- NARPATGANJ District- Araria

GUDDU KUMAR S/o Bhuneshwar Mahato R/o Mohalla - Bhagwatiya Ward
No. 22, P.S. - Rajepur, District - East champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 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 25.12.2020 seeks
bail in connection with Narpatganj P.S. Case No.567/2020
registered for the offence punishable under Section 30(a), 41, 47
of Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 250.200
liters of foreign liquor was recovered from a ambulance bearing
registration no.DL9CAF-9100.

Learned counsel appearing on behalf of the



petitioner submits that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. It is alleged that 250.200 liters wine is recovered from the ambulance. The petitioner is the owner of the said ambulance. The petitioner had no knowledge regarding the nature of goods kept in the ambulance. Said ambulance is run on rent basis. Nothing incriminating 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.

Considering the afore-mentioned facts and circumstances and of the case, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.,Ind-cum-Special Judge, Excise Act, Araria in connection with Narpatganj P.S. Case No.567/2020 and Special Case No.1111/2020, 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 petitioners.

(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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