

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49893 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- PURNEA SADAR District- Purnia

Gulab Choudhary, Son of Late Ramchander Choudhary, Resident of Village-
Krishna Mandir Banmankhi, P.S.- Banmankhi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Ritambhara, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 24-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Ms. Kumari Ritambhara, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sadar P.S. Case No. 46 of 2021 for the offences
punishable under Sections 272, 273, 120(B) of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police on a secret information that a huge quantity of illicit
liquor have been kept in a godown, raided the godown and on
search being made altogether 12338.280 liters of foreign liquor
kept in 1394 cartons were recovered. It is further alleged that on
interrogation, co-accused Deepak Kumar disclosed that the



petitioner is the partner of the owner of the godown.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, which suggests the complicity of the petitioner in the present occurrence. It is further submitted that except the confessional statement of apprehended co-accused person, there is no material against the petitioner. Even during the course of investigation, no material has come to show that the petitioner was partner of the godown from where recovery has been made. It is next submitted that this petitioner a registered Road Contractor and in support of this contention, a registration certificate of the petitioner has been brought on record, as contained in annexure 2 to this application. It is lastly submitted that this petitioner is in custody since 14.04.2021 and the investigation of the crime has already concluded.

On the other hand learned counsel for the State vehemently opposes the bail application and submits that during the course of investigation the witnesses have supported the prosecution case and the name of the petitioner has come, as the partner of the godown owner. It is also submitted that the



petitioner is also found involved in one similar matter.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner transpired on the confessional statement of co-accused and neither he was arrested at the spot nor any incriminating material was recovered, suggesting the complicity of the petitioner and moreover he is in custody since 14.04.2021, let the petitioner, named above, 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 Act, Purnea in connection with Sadar P.S. Case No. 46 of 2021 (Spl. Excise Case No. 80 of 2021), subject to the condition that one of the bailors will be the close relatives 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 the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

