

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40620 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Gautam Kumar S/O Late Pawan Patel Resident Of Village- Kafen Choudhary,
P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv
For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Excise Case No. 212 of 2022 for the
offences punishable under Sections 30(a), of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that in
course of checking the police apprehended two persons
including the petitioner and on search total 57 liters of illicit



Indian made foreign liquor, one mobile phone and Rs. 3450/- was recovered.

Learned counsel for the petitioner submits that the alleged recovery has been made from a bag which does not belong to the petitioner and the same was carrying by the co-accused person. He further submits that the petitioner having fair antecedent was apprehended by the police on suspicion, though the petitioner has neither any concern with the illicit liquor nor he has any concern with the another co-accused persons. It is further submitted that the investigation of the crime is already completed and the charge sheet has been submitted, though the petitioner is in custody since 02.03.2022 and there is no likelihood of commencement of the trial in near future.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the investigation of the crime is completed and the charge sheet has been submitted and the petitioner is in custody since 02.03.2022, having fair antecedent, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Muzaffarpur in connection with Excise Case No. 212 of 2022 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.

(Harish Kumar, J)

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