

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40578 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- FATUA District- Patna

=====

Gaurav Kumar S/O Chhote Lal Prasad R/O Village- Bijuliya, P.S.- Ramgarh,
District- Ramgarh (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv

For the Opposite Party/s : Mr. Kalyan Shankar, APP

=====

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 Fatuha P.S. Case No. 312 of 2022 for the
offences punishable under Sections 30(a), of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in
course of patrolling, police intercepted one Mazic vehicle
and one motorcycle and on search total 330 liters country
made liquor was recovered. It is further alleged that



petitioner was apprehended at the spot.

Learned counsel for the petitioner submits that the petitioner had neither any concern with the vehicle nor with the illicit liquor. He further submits that the petitioner being passenger on the masic vehicle was apprehended by the police on suspicion. However, on noticing the police party, three persons succeeded in fleeing away but petitioner being bonafide passenger was not even aware as to what was loaded in the said vehicle, apprehended by the police. He further submits that the seizure list was made in non compliance of section 100(4) of the Cr.P.C, apart from in defiance of section 81 and 82 of the Bihar Prohibition & Excise Act. He further submits that petitioner having fair antecedent is in custody since 21.04.2022 and moreover, investigation is complete and charge sheet has been submitted.

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 petitioner has neither any concerned with the vehicle nor with the



seized liquor and the investigation of the crime is complete and petitioner is having fair antecedent is in custody since 21.04.2022, 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-Patna city in connection with Fatuha P.S.Case No. 312 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)

N.K/-

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



