

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54468 of 2021

Arising Out of PS. Case No.-382 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Guddu Rai S/o Ram Ayodhya Ray R/o Village- Banaura, P.S.- Baikunthpur,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Adv

For the Opposite Party/s : Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State

Learned counsel for the petitioner seeks
permission to make necessary correction in paragraph 1 of
the bail application within course of the day.

Permission is accorded.

Petitioner seeks bail in a case registered in
connection with Excise .Case No. 382 of 2020 for the
offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that
during vehicle checking, the police intercepted one Maruti
van and on search total 250.920 liters liquor was recovered.
It is alleged that two persons Rambabu Rai and Pankaj



Pandey was arrested and disclosed the name of the petitioner.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from persons or possession of the petitioner and his name has been disclosed by the apprehended co-accused persons and save and except disclosure made by the co-accused there is no other material which suggests the complicity of the petitioner.. It is lastly submitted that the petitioner is in custody since 24.06.2021 and only because of his past criminal antecedent he has made accused in this case.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner is named in eight other criminal cases as reflected from the supplementary affidavit. In response to the aforesaid submission, learned counsel for the petitioner submits that petitioner is on bail in all the other criminal cases.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner was neither arrested on the spot nor any incriminating material



has been recovered from person or possession of the petitioner and save and except disclosure made by the accused person, on the basis of which his name has been implicated in this case, there is no material and he is in custody since 24.06.2021, 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 Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Excise.Case No. 382 of 2019 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 of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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