

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46536 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- TEGHRHA District- Begusarai

Gautam Kumar @ Silebiya, Son of Pawan Kumar, R/v- Pidhauli, PS- Teghra,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 As prayed, learned counsel for the petitioner is permitted to make necessary correction in the prayer portion of the bail petition in course of the day.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

In the present case, the petitioner seeks bail in connection with Teghra P.S. Case No. 186 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

Allegedly, 244.290 litres of India made foreign liquor was recovered from some identified places. The petitioner is said to be involved in this illicit trade of liquor.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the seized liquor. The co-accused Vikash Kumar and Prince Kumar have been granted anticipatory bail by different Coordinate Bench of this Court vide order dated 01.11.2021 passed in Cr. Misc. No. 45063 of 2021 and the order dated 12.10.2022 passed in Cr. Misc. No. 52437 of 2022, respectively. The charge sheet has been submitted in this case. The petitioner is in custody since 09.06.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner has got criminal history.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai, in connection with Teghra P.S. Case No. 186 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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