

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.57083 of 2021**

Arising Out of PS. Case No.-229 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

=====

Gaurav Kumar Son of Pawan Kumar Singh R/O Village- Akhtiyarpur, P.S.-
Karja, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Bhardwaj, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2022 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

Petitioner in the present case is seeking regular bail in

connection with Excise Case No. 229 of 2021 registered for the

offence punishable under Section 30(a) of the Bihar Prohibition
& Excise Act. He has no criminal antecedent and is in custody

since 31.08.2021.

Learned counsel for the petitioner submits that as per

the prosecution story, during vehicle checking one bus was

searched and 36 bottles of English wine was recovered.

Thereafter, Rohit (one of the staff of the bus) disclosed that one



Karan had booked one seat for a passenger for Muzaffarpur and the said Karan brought the petitioner on the bus and paid the fare also.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has no concern with allegedly recovered illicit liquor as he was only a passenger of the said bus. He has remained in custody since 03.08.2021 having no criminal antecedent.

Learned counsel submits that investigation against the petitioner is complete and his appearance during trial may be secured.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner was only a passenger in the bus from which 36 bottles of Pipers Whisky were allegedly recovered and in connection with this case he has remained in custody since 03.08.2021, he has otherwise no criminal antecedent and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) with two sureties of



the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Excise Case No. 229 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that 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 cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

