

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59928 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Gauri Shankar @ Shivshankar Yadav S/O- Yogendra Yadav Resident Of
Village- Madpur, P.S.- Laukaha, District- Madhubnai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 15-02-2022 The applicant is given out of turn hearing on account of illness of his wife. The State was given sufficient time to verify this fact and seek instructions.

The applicant is accused in Excise Case No.242 of 2021 registered for the offences punishable under Sections 30(a)/32(3) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned counsel for the applicant submits that the applicant has clean antecedent and investigation of the



subject crime was over and therefore, there is no need for his pretrial detention.

The learned Additional Public Prosecutor opposed the application by submitting that the applicant had kept concealed illicit liquor of 164.250 liters quantity of different brands in the bus. The liquor was kept hidden in the steel pipe which is modus operandi of the applicant.

I have considered the submissions so advanced and also perused the materials placed before me.

The investigation of the subject crime is over. The applicant has clean antecedent. He is undergoing pretrial detention from August, 2021. Therefore, I see no reason to refuse bail to him and, hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Excise Case No.242 of 2021 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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