

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53089 of 2022**

Arising Out of PS. Case No.-283 Year-2021 Thana- AMAS District- Gaya

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GUNJAN KUMAR Son of Santan Parsad Resident of Village - Sawkala, P.S.-
Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Amas
P.S. Case No. 283 of 2021 registered for the offences punishable
under Sections 30(a) (d) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 135 litre country made liquor and 4000 kg Mahua flower
from the Tata Sumo and Bolero vehicle in question. It is further
alleged that the petitioner was doing the work of liner by
motorcycle. Apprehended co-accused persons disclosed the



name of present petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 27.06.2022. Petitioner bears no criminal antecedent. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Petitioner has no concern with the alleged recovered liquor or with the seized vehicles.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner and he is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.2, Gaya in connection with Amas P.S. Case No. 283 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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