

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66078 of 2021**

Arising Out of PS. Case No.-207 Year-2021 Thana- BARACHATTI District- Gaya

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Guddu Kumar Son of Amirak Rajwansi Resident of Village-Bhadauni Baldari
(POLICE Line) , P.S- Nagar, Dist- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahid Akhtar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2022 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.

The petitioner seeks bail in connection with arising
out of Excise P.S. Case No. 207/2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery of
450 liters foreign liquor from Pick-up van in question. The
petitioner and others apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner was Khalasi of the said vehicle. Nothing



has been recovered from the possession of the petitioner. The petitioner has neither concerned with the seized vehicle in question nor concerned with the seized liquor. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 31.07.2021 and bears no criminal antecedent. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, prosecution report has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd cum Special Judge of Excise Act, Gaya in connection with CIS No. 207/2021 arising out of Excise P.S. Case No. 207/2021, 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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