

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67380 of 2021**

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIHANI District-
Begusarai

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Gaurav Kumar Son of Rajaram Singh @ Khakho Singh Resident of village -
Sihma, P.S.- Matihani, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate

For the State : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 04-04-2022

The applicant is given out of turn hearing on the basis of documents of the State reflecting that while undergoing the pretrial detention he is suffering some kidney ailment along with Fatty Liver.

The applicant is accused in Crime No. 37 of 2021 registered with Police Station-Matihani for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2018. By this application, he is seeking his release on bail during pendency of the trial.

Heard both sides.

The learned Additional Public Prosecutor opposed the application by contending that the motorcycle found on the spot of the incident is owned by the applicant.

The investigation of the subject crime is over. The applicant is reported not having any criminal antecedents so far



as the offence under the Bihar Prohibition and Excise Act is concerned.

It is the case of the prosecution that the police received secret information to the effect that nine named accused persons are indulging in distribution of illicit liquor. Accordingly, a raid was conducted at the house of co-accused Abhinav Kumar. Few persons managed to escape. From that spot of the incident about 733 litres of illicit liquor came to be seized. One pickup van and two motorcycles loaded with the illicit liquor were also found on the spot of the incident. The applicant is owner of one of the motorcycle found on the spot of the incident.

The investigation of the subject crime is over. In this view of the matter, I see no reason to authorise further pretrial detention of the petitioner and therefore, the following orders:

(i) The application is allowed.

(ii) The applicant/accused in Crime No. 37 of 2021 registered with Police Station-Matihani for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2018, be released on bail on executing P.R. bond of Rs. 20,000/- (Rupees Twenty 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 or 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 should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant 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)

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