

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68136 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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GULSHAN KUMAR, Son of Ram Pukar Mahto Resident of Village - Sohma
Telani, Police Station - Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Excise
Case No.2 of 2020 (Computer Registration No.2 of 2020)
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act..

There is alleged recovery of 135 illicit liquor from the
hut of the petitioner.

Petitioner's counsel submits that on account of the
petitioner's antecedents in two cases prior to the instant case, in
which he is on bail, he has been implicated in this case and is in
custody since 04.10.2021. In fact, the hut does not have a door
and therefore recovery is from an open place having access to



one and all, for which no criminality can be attributed to the petitioner. Investigation is also stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and also considering the manner in which recovery is alleged, period of custody and that the investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise) Samastipur, in connection with Excise Case No.2 of 2020 (Computer Registration No.2 of 2020), subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of



the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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