

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59450 of 2022

Arising Out of PS. Case No.-536 Year-2022 Thana- RUPASPUR District- Patna

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Kumar Gaurav Son Of Sanjay Singh R/O Village- Narhanna Gopalpur, P.S.-
Maner, District- Patna, At Present Danapur Golaper, P.S.- Danapur, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 1445 of 2022 arising out of
Rupaspur P.S. Case No. 536 of 2022 registered for the alleged
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, the petitioner was
apprehended with 40 liters of illicit country made *mahua*
liquor when his motorcycle was intercepted by the police.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the seized motorcycle and was not riding in motorcycle as alleged by the prosecution. The petitioner is a student of B.A Part-III and has no concern with the occurrence as alleged. Seizure list witnesses are the police personnel and there is non-compliance of Section 100 of the Cr.P.C. Charge sheet has been submitted in this case and the petitioner is in custody since 29.08.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Danapur, (Patna) in connection with Special Case No. 1445 of

2022 arising out of Rupaspur P.S. Case No. 536 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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