

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1442 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- GURARU District- Gaya

Shambhu Nath Goswami, son of Triveni Goswami, Resident of Village-
Lakshmi Nagar, Gurua, Police Station-Gurua, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Gurua P.S. Case No. 272 of 2021 (CIS
2280/2021) registered for the offences punishable under Section
30(A) of the Bihar Prohibition and Excise Act, 2016. He is in
custody since 02.11.2021 having four criminal antecedents as
stated in paragraph '3' of the application.

As per the prosecution story, the informant who is the
S.H.O. of Gurua Police Station got information that the
petitioner has come Gurua Bazar for giving delivery of liquor.



The informant reached at the given place where on seeing the police vehicle one person started escaping who was caught on chase and disclosed his name as Shambhunath Goswami (the petitioner). The informant recovered two bottles of liquor of 180 ml. each for which informant prepared the seizure list. Further on disclosure the informant recovered a gallon containing 25 liters of mahua liquor from a room.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is submitted that from possession of the petitioner allegedly 360 ml. liquor has been recovered.

Learned counsel submits that petitioner is accused in four cases out of which two cases have been lodged by his gotia and other two cases are under the Bihar Prohibition and Excise Act. It is submitted that in all the cases the petitioner is on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that there is recovery of about ½ liter of illicit liquor from possession of the petitioner, he has remained in custody since 02.11.2021, he has been made accused in a dispute with his gotia in connection with which two cases have been lodged whereas two other cases are under the



Bihar Prohibition and Excise Act but in those cases he is on bail, investigation against him is complete and his presence may be secured in course of trial, therefore, this court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II – cum – Special Judge of Excise Act, Gaya in connection with Gurua P.S. Case No. 272 of 2021 (CIS 2280/2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

