

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15699 of 2023**

Arising Out of PS. Case No.-363 Year-2022 Thana- BIBHUTIPUR District- Samastipur

GAURAV KUMAR @ BUTAN Son of Sanjeev Prasad Singh Resident of
village - Pataliya, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 363 of 2022 dated 08.09.2022
registered for the offence under Sections 272 and 273 the
Indian Penal Code and 30(a) of the Bihar Prohibition and
Excise Act. .

Recovery is of 27.135 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the F.I.R. and the seizure list that nothing has been
recovered from the conscious possession of the petitioner



rather the alleged recovery has been made from the joint house property of the petitioner. He further contends that the petitioner has no concern at all with the alleged recovery. He further contends that there is non-compliance of Section 100 Cr.P.C. and the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more case other than the present one but he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge Excise Court No.1, Samastipur in connection with Bibhutipur P.S. Case No. 363 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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