

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20147 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Gyanendra Kumar @ Driver Gyanendra Kumar Son of Mahender Singh
Resident of Village - Makan No.- 207, Main Gali, Baddi Basti, Jaunti, P.S.-
Kajawala, District - Delhi 81.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Madhubani Town P.S., Case No. 37 of 2023, registered for

the offences punishable under Sections 272, 273, 420, 467,

468, 471 and 120(B) of the Indian Penal Code and Sections

30(a), 32(i)(ii), 36 and 41(i) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per allegation, from a truck, total 1966.32 litres

of Indian Made Foreign Liquor were recovered. The petitioner

is alleged to be the driver of the alleged truck.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioner. He also submits that the petitioner was the driver of the alleged truck and he was not aware of the illicit liquor loaded in the truck.

He further submits that the petitioner has been languishing in jail since 01.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge IInd-cum-Special Judge, Excise Act, Madhubani, in connection with Madhubani Town P.S., Case No. 37 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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