

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28153 of 2023

Arising Out of PS. Case No.-415 Year-2021 Thana- ATRI District- Gaya

GAURI SHANKAR KUMAR @ VIDYARTHI YADAV Son of Late Lila
Yadav, Resident of Village - Chahal Mudera, P.S. - Atri, Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Atri P.S. Case No. 415 of 2021, dated 05.12.2021 registered for
the offences punishable under Sections 272 and 273 of the
Indian Penal Code and Sections 30(a),(d) of the Bihar
Prohibition and Excise Act.
3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 50
litres of *illicit mahua wine* and approximately 3000 litres of
semi-manufactured fermented solution as well as some utensils
used in manufacturing of the said wine and the said recovery is



stated to have been made from the bank of a river and admittedly, petitioner was not arrested at the spot of recovery and as per FIR several persons indulged in manufacturing the illicit wine but the names of this petitioner as well as co-accused persons were disclosed by the local *chowkidar* as being involved in manufacturing of the illicit wine and the said information regarding the identity of this petitioner is completely not reliable and the seized wine was neither recovered from the conscious possession nor from physical possession of this petitioner. Further submissions are that the co-accused, namely, Bigan Paswan carrying similar nature of allegation has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 59139 of 2022 and the petitioner preferred Cr. Misc. No.71499 of 2022 for the relief of anticipatory bail which was allowed with a direction to trial court to verify the petitioner's criminal antecedents and accordingly the details of the petitioner's criminal antecedents was called for by the trial court after the surrender of the petitioner and six criminal cases besides the present matter were found against him while in Cr. Misc. No. 71499 of 2022 the details of only four criminal cases was given by this petitioner before the concerned Bench and mainly on this



ground petitioner was denied to the privilege of anticipatory bail by the trial Court after his surrender but in actual the petitioner did not intentionally conceal the complete details of his criminal antecedents in Cr. Misc. No.71499 of 2022 and the mistake committed by him with regard to not giving the complete details of his criminal antecedents was a *bonafide* mistake on his part and moreover, he has been sufficiently punished for the said wrong and he has been languishing in jail for about last three months and against the petitioner investigation has been completed.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Atri P.S.



Case No. 415 of 2021.

(Shailendra Singh, J.)

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