

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37112 of 2023

Arising Out of PS. Case No.-491 Year-2021 Thana- TAJPUR District- Samastipur

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GUDDU KUMAR DAS S/O LALO DAS R/O Vill. Motipur, PS. Tajpur, Dist.
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 491 of 2021 registered for the offences
punishable under Sections 30(a), 41(1), 41(2), 47 of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
9 litres foreign liquor from the place of occurrence. Petitioner
is not apprehended on the spot. Nearby people disclosed that
the liquor belongs to the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.04.2023 and bears criminal
antecedent of two cases of similar nature. He further submits
that petitioner is not apprehended on spot. Nothing has been



recovered from conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (Excise) 2, Samastipur in connection with Tajpur P.S Case No. 491 of 2021 dated 04.12.2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

Nitin/ Amit

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