

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40527 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Gautam Kumar S/O Ramchandra Yadav R/O Village- Dumri, Ps.Muffasil
(Singhaul O.P.), Dist. Begusarai Petitioner/s

Versus

The State Of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

Ms. Sikha Rai, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard Mr. Jitendra Narayan Sinha, learned counsel

for the petitioner duly assisted by Ms. Sikha Rai as also Mrs.

Asha Devi, learned APP for the State.

The petitioner is apprehending arrest in connection
with Muffasil (Singhaul) P.S. Case No. 201 of 2023 instituted
under Section 30(a), 32(1)(2), 41(1)(2) of the Bihar Prohibition
and Excise Act lodged on 7.4.2023 by the informant, Durgesh
Das.

As per the prosecution story, the police intercepted a
vehicle. However, two of the accuseds managed to escape while
one Aman Kumar was apprehended and 171 liters of Indian
Made Foreign Liquor was recovered. Further, on his disclosure,
those escaped was/were named as Shivam Kumar Gautam
Kumar (the petitioner herein).

It is submission of Ms. Sikha Rai that the alleged



recovery is from the vehicle which was driven by Aman Kumar. He has been dragged in the case by the said Aman Kumar and was neither in the vehicle or on the spot and further will abide by all the terms and conditions.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the aforesaid facts as also that the vehicle that was intercepted and the Indian Made Foreign Liquor recovered attributed to Aman Kumar and on his confession, the name of the petitioner has come, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Muffasil (Singhaul) P.S. Case No. 201 of 2023 to the satisfaction of learned Exclusive Special Judge Excise-1st, Begusarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

