

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45430 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- BARAUNI District- Begusarai

GAURAV KUMAR S/o- MUKESH SINGH Village- Bihat Tola Gurdashpur
Pirasthan Ps- Barauni FCI, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Nidhi Anand, Advocate
	:	Mr.Suruchi Anand, Advocate
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Barauni
(F.C.I) P.S. Case No. 264 of 2023 registered for the offence under
Section 30(a) and 41(1) of the Bihar Prohibition and Excise.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 15.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 248.625 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor appears
to be made from an open place i.e., bamboo clumps, which is
easily accessible by general public and as such it can be safely said



that recovery not appears to be made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that one of the reason being implicated with the present recovery of illicit liquor is criminal antecedents, where petitioner found involved in 11 more criminal cases, where he is on bail in 9 cases and in maximum of cases his implication is based on the suspicion, as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barauni (F.C.I) P.S. Case No. 264 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge Product, First, Civil Court, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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