

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50769 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- WAJIRGANJ District- Gaya

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GUNJAN SINGH @ KHAPADUA SON OF LATE SUKHDEV SINGH @
SAUKHI SINGH RESIDENT OF VILLAGE- BHURA, PS- WAZIRGANJ,
DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in custody in connection with Wazirganj P.S. Case No. 164 of 2022 for the offence under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 15.04.2022 by the informant, Gautam Kumar.

As per the prosecution story, the allegation is that the Police intercepted/apprehended a co-accused with 189 liters of foreign liquor in 21 cartoons. He gave the name of the escaped person as this petitioner. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that nothing has been recovered from his conscious possession, is in custody since 05.06.2023 (as stated in paragraph 13 of the



petition) and further, the person who was apprehended, Rishikesh Kumar has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 39241 of 2022 (Annexure-2 to the petition),

Learned APP opposes the prayer for bail.

Considering the fact that he was not arrested from the spot and the person arrested has since been granted bail, is in custody since 05.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya, in connection with Wazirganj P.S. Case No. 164 of 2022 subject to the following 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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 observations, the bail application is allowed.

(Rajiv Roy, J)

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