

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51362 of 2023**

Arising Out of PS. Case No.-734 Year-2023 Thana- GAYA MUFASIL District- Gaya

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GORE KUMAR @ GORELAL SON OF SURENDRA YADAV RESIDENT
OF VILLAGE - SAHIL PATHRA, P.S. - TANKUPPA, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No.734 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise Amendment Act lodged on 06.07.2023 by the informant Ram Pukar Chaudhary.

As per the prosecution story, the police intercepted a tempo and recovered/seized 115 liters 'Mahua' which followed the arrest, FIR.

It is the case of the petitioner that he is neither owner nor the driver of the tempo, a mere co-passenger despite which he is in custody since 07.07.2023 (para-11 of the petition).

Learned APP opposes the prayer for bail.



Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Muffasil P.S. Case No.734 of 2023 to the satisfaction of learned Additional Sessions Judge cum-Excl. Special Excise Court No.1, Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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