

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52564 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

GOLU KUMAR S/o Anil Ram Resident of Village-Teliya Pokhar, Gaushala
Road Ward No.-22, P.S.-Town (Ratanpur O.P.), District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
01.07.2023 in connection with Town (Ratanpur) P.S. Case No.
419 of 2023, F.I.R. dated 01.07.2023 for the offences punishable
under Section 30(a), 32(ii) of Bihar Prohibition and Excise Act,
2016.

3. Recovery is of total 102.99 liters of Indian Made
Foreign Liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession the petitioner rather the recovery has been
made from the house of the petitioner and the petitioner and one



co-accused Nitish Kumar was apprehended from the spot. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and the house in question is the joint family property of the petitioner. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and similarly situated co-accused namely, Nitish Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 16.08.2023 passed in Cr. Misc. No.51201 of 2023 and the petitioner is in custody since 01.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st, Begusarai in connection with Town (Ratanpur) P.S. Case No. 419 of 2023, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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