

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56878 of 2023

Arising Out of PS. Case No.-602 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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GAURAV KUMAR @ SURO S/o- VIJAY SINGH Village- Ashadhi Ps-
Nawada Town Dist- nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Excise P.S. Case No. 602 of 2022 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act lodged on 25.12.2022 by the informant, Raj Kishore.

As per the prosecution story, the allegation is that the ruined building was searched and 798.750 liters of foreign liquor was recovered/seized, which followed the FIR.

It is the case of the petitioner that the building is abandoned and no one dare going to the said place, nothing to do with the petitioner and as such, the recovery cannot be attributed to him.



Learned APP for the State opposes the prayer for bail.

Considering the fact that the alleged recovery is not from the conscious possession of the petitioner rather from a ruined building, is in custody since 24.07.2023 (as stated in paragraph-8 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge -IInd, Nawada in connection with Excise P.S. Case No. 602/2022 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/her 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 his 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)

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