

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61800 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

GAURAV KUMAR SINGH @ GAURABH KUMAR Son of Lalan Singh
Resident of village- Alampur, P.S- Vidyapatinagar, Samstipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Roushan Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Vidyapatinagar P.S. Case No. 55 of 2022, Excise GR No. 360 of
2022, registered for the offences punishable under Section 30(a)
of Bihar Excise and Prohibition Act, 2016.

As per prosecution case, there is alleged recovery
of 432 litre illicit liquor from the house of the petitioner.
Petitioner is not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.08.2022 and bears criminal
antecedent of two cases of similar nature and one case different
from the present case. Charge sheet has been submitted in the
case and there is no likelihood of tampering with the



prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Vidyapatnagar P.S. Case No. 55 of 2022, G.R. No. 360 of 2022 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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