

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69112 of 2023

Arising Out of PS. Case No.-616 Year-2023 Thana- GARDANIBAG District- Patna

GOLU KUMAR son of Ram Pravesh Yadav R/o- Suthiya Masaurhi Ps-
Masaurhi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023

Heard the parties.

2. The petitioner is in custody in connection with Spl.

Case No. 6491 of 2023 arising out of Gardanibagh P.S. Case
No. 616 of 2023 for the offence under sections 30(a)/34 of the
Bihar Prohibition and Excise Act lodged on 29.08.2023 by the
informant, Menika Pandey.

3. As per the prosecution story, the police during
patrolling, intercepted a car and recovered/seized 120 liters
country made liquor. The person driving the car was the
petitioner who was arrested. Accordingly the FIR.

4. Learned counsel for the petitioner submits that
though he was in the car, had no knowledge about the presence
of liquor in it, is not the owner of the car and has suffered by
being in custody since 29.08.2023. He further submits that the



petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that when the car was intercepted, he was driving it.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that he is in custody since 29.08.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Special Judge-Excise, Patna, in connection with Spl. Case No. 6491 of 2023 arising out of Gardanibagh P.S. Case No. 616 of 2023 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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