

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70593 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- BARUN District- Aurangabad

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Guddu Kumar @ Guddu Choudhary S/O Mangal Choudhary R/O Vill -
Mohan Ganj, P.S. - Barun, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Barun P.S. Case No.167 of 2023, lodged on 21.04.2023, under
Sections 30(a)/30(c) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against
the present petitioner and others. Total three liters of Wine is
the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the alleged recovery has been made at public place near
Sone river. He further submits that neither the petitioner has
been arrested at the place of occurrence nor the recovery has



been made from his possession. His name figured in this case by virtue of statement of the local persons. Counsel submits that there are two cases pending against the petitioner in which he is on bail and he is in custody since 04.09.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the bail application of the petitioner the criminal antecedent which is two in number may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.I, Aurangabad, in connection with Samanya Panjiyan No.718/2023, arising out of Barun P.S. Case No.167 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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