

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73133 of 2022

Arising Out of PS. Case No.-398 Year-2022 Thana- GURUA District- Gaya

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SUDARSHAN KUMAR Son of Khilodhar Sao R/V- Akauna, P.S- Amas,
Dist- Gaya Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.10.2022, in connection with Gurua P.S. Case No.398/2022,
F.I.R. dated 15.10.2022, for the offences punishable under
Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, 50 litres of Mahua
wine is said to have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent 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 possession of the petitioner rather the recovery



has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Judge Excise II, Gaya, in connection with Gurua P.S. Case No.398/2022 (Excise G.R. No.1795/2022), 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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