

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74041 of 2022

Arising Out of PS. Case No.-463 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Jay Prakash Kumar Son Of Baiju Prasad R/O Raksa, P.S.- Gurua, District-
Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
16.11.2022, in connection with Excise P.S. Case No. 463 of
2022, F.I.R. dated 26.07.2022 registered for the offences
punishable under Sections 30(a) and 56(b) of the Bihar
Prohibition and Excise Act.

Recovery is of 630 litres of liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case on the ground that the petitioner is
the owner of the pick-up van in question. He further submits
that it appears from the F.I.R. as well as seizure list that nothing



has been recovered from the conscious possession of the petitioner rather recovery has been made from the pick-up van in question and the petitioner was not apprehended at the spot. He further submits that the name of the petitioner has been transpired during investigation on the basis that the petitioner is the owner of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.11.2022.

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

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya in connection with Excise P.S. Case No. 463 of 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 witness, 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 antecedents, 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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