

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78316 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- KANKARBAG District- Patna

GURJAR MALLIK @ GURJAR Son of Late Lakshmi Mallik R/o Tempoo
Stand Jhoparpatti, P.S.- Kankarbagh, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Special Case No.3148/2023 arising out of Kankarbagh P.S. Case
No. 357/2023 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged
recovery of total 85 liters country made distilled liquor from the
Gumti of the petitioner. Apprehended co-accused Sarvesh
Kumar disclosed the name of petitioner who was involved in
business of the illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not apprehended on the spot and nothing



has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. The petitioner is languishing in custody since 05.09.2023 which is mentioned in the impugned order. The petitioner bears criminal antecedent of four cases. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has nothing to do with the alleged occurrence.

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

6. Considering the facts and circumstances of the case, period of custody, the petitioner is not apprehended on the spot, 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1st, Patna in connection with Special Case No.3148/2023 arising out of Kankarbagh P.S. Case No. 357/2023, 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)

amitkumar/-

U		T	
---	--	---	--

