

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5100 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- MORKAHI District- Khagaria

Gautam Kumar Arun Singh @ Arun Kumar Singh Resident of Vill- Bari
Pasraha, P.S.-Pasraha, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-03-2024

1. Heard learned counsel for the petitioner, learned

APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Morkahi
P.S. Case No. 132 of 2023 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 205 litres
of English wine was recovered from trailer of the tractor.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is not the owner of the vehicle. It is further
submitted that petitioner is only the driver of the vehicle in
question and has no concern with the loaded articles/liquor.
Charge-sheet has been submitted in this case. The petitioner is



in custody since 21.10.2023 and has one criminal antecedent.

There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Morkahi P.S. Case No. 132 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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