

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35998 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- KANTI District- Muzaffarpur

=====

Gaurav Kumar S/O Nawal Kishor Singh @ Nawal Kishor Chaudhary R/O
Village- Kishunagar, P.S.- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.

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

=====

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kanti
P.S. Case No. 965 of 2023 instituted for the offences under
Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act as amended 2022.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police force, 10-12 persons started to flee away from
there by two wheeler and four wheeler but, on chase, one person
was apprehended who disclosed his name as Deepak Kumar. He
also told the names of the persons who fled away from there.
The police seized one truck and four pick-up vehicles from the



place of occurrence. On search, altogether 5670.00 liters of illicit foreign liquor was recovered from the five vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not apprehended on the spot and his name has surfaced in this case on the disclosures made by co-accused Deepak Kumar. The petitioner has no concern either with the seized liquor or the alleged vehicle and the petitioner is neither the driver nor owner of any of the pick-up vehicles or the truck. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has altogether five criminal antecedents but, in all of them, he is on bail and is languishing in judicial custody since 02.04.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Deepak Kumar has been granted bail by this Court vide order dated 15.02.2024 passed in Cr. Misc. No. 7907 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the claim for bail being based on parity, let the petitioner, abovenamed, 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 Kanti P.S. Case No. 965 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

