

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39342 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- GORAUL District- Vaishali

Gariban Kumar @ Gariban Sahni, aged about 35 years, Male, S/O Bhagwan Sahni, R/O Village- Padmaul, P.S- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Bela Singh, Advocate
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Goraul P.S. Case No. 381 of 2023 dated 10.09.2023 registered for the offences punishable under Sections 30(a), 32(1), 36(i) and 41(1) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, total 708.48 litres of illicit liquor was recovered, out of which, 09 litres of liquor was recovered from the Honda Shine Motorcycle, 162 litres of liquor was recovered from the Scorpio Car, 45 litres of liquor was recovered from the Tata Safari and 492.48 litres of liquor was recovered from ten wheeler truck.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not the owner of the vehicles in question except the Honda Shine motorcycle which belongs to the petitioner from which 09 litres of illicit liquor was recovered. The petitioner has no concern with the alleged recovered liquor. The petitioner at the relevant date and time of occurrence went to his friend at village-Sondho and parked his motorcycle near the place of occurrence and only on suspicion, his motorcycle was seized by the police. No incriminating article has been recovered either from his possession or from his house. It is further submitted that other co-accused persons, namely, Dharmendra Rai @ Gais @ Gas and Manish Kumar @ Lalu have been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 80945 of 2023 with Cr. Misc. No. 85794 of 2023 under order dated 11.01.2024. The petitioner has two criminal antecedents in which he is on bail, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 08.04.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, is directed to be



enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. -1, Vaishali at Hajipur in connection with Goraul P.S. Case No. 381 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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