

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70180 of 2024

Arising Out of PS. Case No.-573 Year-2024 Thana- WAJIRGANJ District- Gaya

=====

Guddu Kumar S/O Gurusahay Prasad R/O Village- Bahera, P.S.- Fatehpur,
Dist-Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph-12 of the petition, during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Wazirganj P.S. Case No. 573/2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

4. As per prosecution case, petitioner is said to have apprehended on the spot and there is alleged recovery of 70 liters country made mahua liquor from motorcycle in question.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 14.08.2024 and bears criminal antecedent of one case in which he is on bail. He further submits that the petitioner was not the owner of the alleged motorcycle in question and he was merely a passer-by at the place of occurrence and the police apprehended the petitioner without any basis and falsely implicated him in the present case. There is no independent witness of the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

7. Considering the facts and circumstances of the case, period of custody, 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 Court of Exclusive Special Judge, Excise No.-V,
Gaya in connection with Wazirganj P.S. Case No. 573/2024,
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	
---	--	---	--

