

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70154 of 2024**

Arising Out of PS. Case No.-404 Year-2024 Thana- MALSALAMI District- Patna

Golu Kumar @ Raushan Kumar Son of Late Ganga Sagar Prasad Resident of  
Nuruddinganj Near Chalti Firti Devi Jee, P.S. - Malsalami, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Pradhan  
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

**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 Malsalami P.S. Case No. 404/2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4.      As per prosecution case, petitioner is said to have apprehended on the spot and there is alleged recovery of 60 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 26.08.2024 and bears criminal antecedent of two cases and in both cases 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 spectator at the place of occurrence and the police apprehended the petitioner without any basis and falsely implicated him in the present case. 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 Exclusive Special Judge, Excise, Patna City, Patna



in connection with Malsalami P.S. Case No. 404/2024, 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)**

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