

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71772 of 2024

Arising Out of PS. Case No.-87 Year-2017 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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GAUTAM DHADHI @ GAUTAM KUMAR S/O- RAMASHISH RAM
Resident of Village- Murarpur Police Station-Korma District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with

Excise Case No. 87 of 2017 instituted for the offence punishable

under Sections 30(a) of the Bihar Prohibition & Excise Act,

2016.

3. The allegation is of recovery of 5 litre country

made liquor from the motorcycle bearing registration no.

BR52A3406.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in this

case. It is further submitted that petitioner was not arrested at

the spot. The name of the petitioner has been dragged in this



case only on the basis of disclosure made by the apprehended person. It is further submitted that nothing has been recovered either from the conscious possession or from the house of the petitioner. It is further submitted that the motorcycle from which illicit liquor was recovered does not belong to the petitioner. Lastly, it has been submitted that petitioner has two criminal cases against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Excise Case No. 87 of 2017, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Sheikhpura, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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