

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76617 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- Lakho District- Begusarai

Gourav Kumar @ Gaurav Kumar Son of Late Arun Kumar R/O Vill.-
Safapur, P.S.- Nayagaon, Dist.- Begusarai, Pin- 851129

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Patel, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Subhash Patel, learned counsel for the

petitioner and Mr. Damodary Prasad Tiwary, learned APP for

the State.

2. The petitioner is in judicial custody in connection
with Lakho P.S. Case No. 123 of 2024 for the offence
punishable under Sections 30(a)/32(3) of the Bihar Alcohol
Prohibition and Excise Act, 2016 Amendment Act, 2022
lodged on 03.09.2024 by the informant, Madan Kumar Singh.

3. As per the prosecution story, the informant alleged
that during patrolling, a Maruti Swift car was intercepted on
NH-31 and there is total recovery of 128.25 liters of foreign
liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the
vehicle does not belong to him and he had no knowledge of it.



He being the driver was taking the car to the destination for which has already suffered by being in custody since 04.09.2024 (para-13 of the petition) and further do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that he was driving the car when the interception followed by the recovery took place.

6. Considering the submission of the parties as also the fact that the petitioner does not own the car, nothing has been recovered from his conscious possession, is in custody since 04.09.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Begusarai, in connection with Lakho P.S. Case No. 123 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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