

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81840 of 2023

Arising Out of PS. Case No.-256 Year-2023 Thana- IMAMGANJ District- Gaya

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GAUTAM KUMAR S/O SURENDRA PRASAD R/O VILLAGE-
NAGWAN, PATHRA, P.S- IMAMGANJ, DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Imamganj P.S. Case No. 256 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act ,2018.

3. As per prosecution case, 227.130 litre foreign
liquor was recovered from the Scorpio in question and petitioner
apprehended on the spot. It is further alleged that co-accused,
Yugesh Kumar, who is alleged to be driver of the said scorio
managed to flee away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 06.10.2023 and bears no criminal
antecedent. He further submits that petitioner has taken the lift



in the said scorio in question and he has no knowledge that the illicit liquor loaded in the said scorio. Petitioner is not in any way connected with the said scorio in question. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. He further submits that there is no compliance of Section 100 of Cr.P.C. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 2, Gaya in connection with Imamganj P.S. Case No. 256 of 2023, 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)

vashudha/-

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