

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1408 of 2024

Arising Out of PS. Case No.-361 Year-2023 Thana- WARISNAGAR District- Samastipur

Gulshan Kumar Son of Nathuni Sahni, Resident of Village- Sajanpur, Police
Station- Warisnagar, Sistrict- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Warisnagar P.S. Case No. 361/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of total 159.600 liters foreign liquor from a Glamour motorcycle and a Honda City car in question. The petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious



possession of the petitioner. The petitioner is languishing in custody since 10.10.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner nor driver of the said car in question. He further submits that the petitioner was owner of the said motorcycle in question merely on suspicion he has been roped in the present case. The further submits that the petitioner was not concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special



Judge, Excise-02, Samastipur in connection with Warisnagar
P.S. Case No. 361/2023, 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)

amitkumar/-

U		T	
---	--	---	--

