

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44430 of 2025

Arising Out of PS. Case No.-394 Year-2023 Thana- KANKARBAG District- Patna

Gurjar Mallik @ Gujjar Malik @ Gurjar Son of Karakul Mallik @ Laxmi
Malik R/o Tempo Stand Jhoparpatti, P.S.- Kankarbagh, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 3513 of 2023 arising out of Kankarbagh P.S. Case No.
3513 of 2023 instituted for the offences under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 50 liters of illicit country-made liquor from the plastic sack
kept near fish market.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The alleged recovery of the liquor has been made from the open place which is accessible to one and all. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents and was remanded in this case on 15.04.2025 and, since then, he is languishing in judicial custody without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 3513 of 2023 arising out of Kankarbagh P.S. Case No. 3513 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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