

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.6641 of 2020**

Arising Out of PS. Case No.-189 Year-2019 Thana- GOPALPUR District- Gopalganj

Mukesh Giri Son of Rajkishor Giri, Resident of Village - Shahpur Pakdihar @  
Pakidyar, P.S.- Gopalpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

3      14-05-2020      Heard.

The matter has been taken up through virtual court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272, 273, 420 of the IPC and Sections 30(a), 35 and 38 of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018 as he is languishing in custody since 22.11.2019.

The prosecution case, as per the written report of Anil Kumar Mishra, S.I. of Gopalpur Police Station submitted to the Station House Officer, Gopalpur Police Station is to the effect that on 08.10.2019 at 12.05 P.M. a secret information was received that the petitioner was carrying liquor on a motorcycle.



Subsequently, motorcycle was intercepted and the driver managed to escape, who was subsequently identified as the petitioner and from the motorcycle in question 120.200 litres of U.P. made country made liquor were recovered, leading to the registration of the present FIR.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested on the spot nor any recovery has been made from conscious physical possession of the petitioner. Statement has been made in paragraph 7 of the petition that the petitioner has no concern with the alleged liquor or the motorcycle, though, the petitioner is accused in 3 other cases of similar nature and investigation has already been concluded.

Learned APP, after going through the case diary, submits that the petitioner was serious criminal history and it was the petitioner who was carrying liquor on a motorcycle but has not controverted this fact that the motorcycle in question has not been registered in the name of the petitioner.

Considering the fact that the investigation has already been concluded, statement has been made on behalf of the petitioner that the motorcycle in question has not been registered in the name of the petitioner and the same has not



been controverted by the learned counsel for the State, coupled with the period in custody, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District and Sessions Judge - 2<sup>nd</sup> -cum- Special Judge, Excise, Gopalganj in connection with Gopalpur P.S. Case No. 189 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Adhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- 2<sup>nd</sup> -cum- Special Judge, Excise, Gopalganj in connection with Gopalpur P.S. Case No. 189 of 2019.

The learned Court below will further be at liberty to



extend the period of provisional bail further if the lockdown is not over in three months.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he gets substantially involved in similar nature of offence.

**(Dinesh Kumar Singh, J)**

Amrendra/Dks

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