

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26001 of 2020

Arising Out of PS. Case No.-171 Year-2019 Thana- GOPALPUR District- Gopalganj

MUKESH GIRI, aged about 20 years, Male, S/o Rajkishore Giri, R/o Village-
Shahpur Pakdihar @ Pakdiyar, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satyendra Rai, Advocate.
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Earlier bail application of the petitioner was rejected
by the then Co-ordinate Bench of this Court vide Cr. Misc. No.
84870 of 2019 under order dated 06.01.2020 with an
observation “at this stage”.

In light of the aforesaid observation made in the
earlier order dated 06.01.2020, passed in Cr. Misc. No. 84870 of
2019, the present application has been preferred for grant of bail



on behalf of the petitioner.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 272, 273, 420 of the IPC and 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 169.200 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 22.11.2019. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 169.200 liters wine is recovered from four different Motorcycles. Out of which, 48 liters wine is said to have been recovered from the Motorcycle of the petitioner. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case,



the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-2nd-cum-Special Judge, Excise, Gopalganj, in connection with Gopalpur P.S. Case No. 171/2019, giving rise to Tr. No. 3658/2010.

(Sudhir Singh, J)

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