

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 16401 of 2021**

Arising Out of PS. Case No.-586 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

GOPAL KUMAR S/o Ram Bilas Sah R/o village- Bari Eghu (Ward No. 45
Mohan Eghu), P.S.- Mufassil District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Bipin Kumar, Advocate
For the Opposite Party/s : Mr Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-09-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Mufassil Police Station
(for brevity, *PS*) Case No 586 of 2020 instituted for the offence
punishable under Section 120B of Indian Penal Code and
Sections 30 (a), 41 (i) of Bihar Prohibition and Excise Act.

1301.625 liters of foreign liquor has allegedly been
recovered from a vehicle.

Petitioner's counsel submits that petitioner's name has
been stated by co-accused Dhyani Yadav in his confessional



statement. Having no criminal antecedent, as per statement made in paragraph 3 of the bail application, petitioner is in custody since 26.11.2020. It is further submitted that as per allegations in the First Information Report, petitioner was not present or arrested from the time and place of recovery.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Begusarai in connection with Mufassil PS Case No 586 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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

