

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28748 of 2021**

Arising Out of PS. Case No.-650 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

BASHISHTH KUMAR @ BASISHT KUMAR Son of Rama Bhagat
Resident of Village- Banjari, Police Station- Gopalganj Nagar, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Ms.Dr. Indivar Kumari, APP

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

2 10-08-2021 This matter is taken up for consideration through

Video Conferencing.

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

The petitioner seeks bail in Gopalganj Town P.S. Case
No. 650 of 2020, registered for the offence punishable
punishable under Section 30(a), 41(i) of the Bihar Prohibition
and Excise Act, 2016.

279 litres of country made liquor has been recovered
from bush near the house of petitioner and he is alleged to have
fled away after seeing the police party and the spy has taken
name of this petitioner.

It is submitted that nothing has been recovered from
conscious possession of this petitioner or from house of this



petitioner rather recovery has been made from bush which is accessible to general public. Petitioner was simply driving the vehicle and was not aware about the nature of consignment. Petitioner has no concern with the seized liquor. Petitioner is in custody since 05.01.2021. Chargesheet has already been submitted.

Considering the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise), Gopalganj in connection with Gopalganj Town P.S. Case No. 650 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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