

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33770 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- GOPALPUR District- Gopalganj

BRAJESH SAH Son of Achelal Sah Resident of Village - Madho Math, P.S.-
Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 22-12-2021 Heard Mr. Pankaj Kumar Dubey, learned counsel
for the petitioner and Mr. Vinod Shankar Modi, Additional
Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Gopalpur PS Case No. 295/2020 registered for the offences
punishable under Sections 341, 323, 307, 353/34 of the IPC,
Section 25(1-b) a, 26 of the Arms Act and Section 30(a) of
Bihar Prohibition & Excise (Amendment) Act 2018.

As per prosecution case, the police on the basis of
secret information intercepted two persons who were riding on
two separate motorcycles and recovered 20 litres of illicit liquor
from motorcycle of the petitioner and one foreign made loaded
pistol and 59 litres of illicit liquor from another person, namely,
Hare Ram Yadav.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedents and he has no concern
with the co-accused, Hare Ram Yadav. He next submits that at



the time of recovery of illicit liquor from the motorcycle of the petitioner, no procedure prescribed in CrPC and Excise Act has been followed. It is also submitted that petitioner is the owner of the said motorcycle.

Learned counsel further submits that petitioner is in custody since 26.12.2020 and the charge-sheet has already been submitted.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 26.12.2020 having no criminal antecedents and the charge-sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, BRAJESH SAH be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Gopalpur PS Case No. 295/2020.

(Anil Kumar Sinha, J)

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