

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37206 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- GOPALPUR District- Bhagalpur

BIGYAN MISHRA S/O LATE SURENDRA MISHRA R/O VILLAGE-
SAIDPUR, PS GOPALPUR, DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Gopalpur P.S. Case No. 356 of 2020 (G.R. No. 816/20) registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Section 25(1-A)/(1-b)a/26 of the Arms Act.

There is alleged recovery of 5.450 litres foreign illicit liquor, one country made musket and nine cartridges from the petitioner's cowshed.

Learned petitioner's counsel that it is a case of false



implication, the petitioner had no knowledge about the articles being kept in the cowshed. The cowshed is accessible to one and all. It is a case of false implication, recovery is not in accordance with law. Being of fair antecedent petitioner, based on such illegal recovery, is in custody since 30.09.2020.

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 of the petitioner is allowed. Let the petitioner above named 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 learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur in Gopalpur P.S. Case No. 356 of 2020 (G.R. No. 816/20), 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.

(Madhuresh Prasad, J)

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