

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27935 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- GOPALPUR District- Gopalganj

SARVESH GIRI S/o Rajkishor Giri R/o Village- Shahpur Pakdihar, P.S.-
Gopalpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 02-03-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gopalpur P.S. Case no. 76 of 2020, registered under Sections 272, 273 and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about carrying of liquor from Uttar Pradesh by Parmatma Bhagat, Saral Kushwaha, Sarvesh Giri (Petitioner), Sonu Singh, Bhagwati Chouhan and Rajan Chouhan, the informant and other Police personnel started checking at canal in village-Sangwadih. In course of checking, five motorcycles were seen loaded with sack, when the signal was given to stop the said motorcycles then all motorcycles turn to village path,



while informant and other Police personnel tried to intercept the motorcycles, but all started fleeing leaving the motorcycles. On search of motorcycle bearing registration No. UP-57X-0970, 440 bottles, each containing 200 ML, on search of motorcycle bearing registration No. UP-57A-3847, 368 bottles, each containing 200 ML, on search of motorcycle bearing registration No. BR-28L-5679, 444 bottles, each containing 200 ML, on search of motorcycle bearing registration No. UP57W-2961, 360 bottles, each containing 200 ML, country made liquor, kept in sacks, recovered.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that informant and other Police personnel received secret information about carrying of liquor by the petitioner and four others, but source of information was not disclosed. Further submission is that petitioner was not apprehended on the spot and neither the petitioner nor his family members or relatives are owner of the seized motorcycles from which the alleged illicit country made liquor is said to be recovered. Further submission is that since the petitioner is accused in similar nature of case, as detailed in para-03 of the petition, due to that reasons, the Police implicated the petitioner in this case.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Gopalpur P.S. Case No. 76 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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