

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5054 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- GOPALPUR District- Gopalganj

1. YOGENDRA SINGH @ YOGI SINGH @ RAJAN SINGH, Son of Suresh Singh Resident of Dewragandhi Tola, P.S.- Gopalpur, District- Gopalganj.
2. Klamuddin Ansari, S/o Not known R/o village- Dewragandhi Tola, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-09-2021 Heard Mr. Sushil Kumar, learned advocate for the petitioners and Mr. Ram Bilash Roy Raman, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Gopalpur P. S. Case No. 119 of 2020, dated 06.06.2020, instituted for the offences 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 in the F.I.R. is that three persons who were riding a motor-cycle were arrested.



They disclosed that in the vehicle which was coming from behind, the petitioners were sitting who managed to run away taking advantage of the darkness. From the aforesaid vehicle, approximately 1000 litres of liquor has been recovered.

The learned advocate for the petitioners has submitted that the accusation against them is solely based on the confession of three arrested accused persons. Neither are they associated with the liquor which has been seized or the vehicle in which they are alleged to have been sitting or the motor-cycle or in fact even those three persons who have been arrested by the police.

The petitioners do not have criminal antecedents.

Thus, it has been argued that the offence under the Excise Act cannot at all be said to have been made out against the petitioners.

Regard being had to the afore-stated facts, the



petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge – II, Gopalganj, in connection with Gopalpur P. S. Case No. 119 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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