

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9153 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- KHAJEKALA District- Patna

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GOPAL KUMAR Son of Late Heera lal Gupta Resident of mohalla -
Belwarganj Near Anand Talkies, P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Sharma, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

At the very outset, learned counsel for the petitioner
submits that a supplementary affidavit has been filed. The name of
petitioner's father as per the supplementary affidavit has wrongly
been typed as Late Heera Lal Gupta in place of Late Hira Lal Gop.
The submission is that the same is typographical error.

Having regard to the said submission, the name of
petitioner's father be read as Late Hira Lal Gop in the first
paragraph of the bail application.

It has been submitted that in the affidavit also due to
typographical error word "Late" has been omitted from the
description of the affidavit.

In view of the said submission, Hira lal Gop in the



affidavit be read as “Late Hira lal Gop”.

Heard learned Counsel for the petitioner and the 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 Khajekalan PS Case No. 100 of 2020 in Spl. Case No. 2443 of 2020, registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

240 litres of illicit liquor has allegedly been recovered from a gunny bag on a tempo. The police have gone on their confidential information regarding unloading of the same. The petitioner is alleged to be apprehended while he was fleeing away.

Learned counsel for the petitioner submits that it is a case of false implication. Learned counsel submits that petitioner has been implicated in this case merely on suspicion while he was passing at the place of occurrence. Admittedly, there is no recovery from his possession. He is in custody since 09.03.2020.

It is submitted that due to inadvertence the date of custody stated to be 14.04.2020 in para 11 which is a mistake.

The petitioner is accused in one more case as per detail in para 3.



Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, 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 Special Judge Excise, Patna, in Khajekalan PS Case No. 100 of 2020 in Spl. Case No. 2443 of 2020, 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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