

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5401 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- GOPALPUR District- Gopalganj

Sarwesh Giri @ Sarvesh Giri Son of Rajkishore Giri Resident of Village -
Shahpur Pakdihar, P.S.- Gopalpur, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate.

For the Opposite Party/s : Mr. Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Indrajeet Bhushan, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gopalpur P. S. Case No. 169 of 2021 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that while the Police party was making vehicle checking, they apprehended three persons, who were going on a motorcycle. It



is further alleged that on search being made altogether 46.400 litres country-made liquor was recovered. It is also alleged that the co-accused Munna Singh disclosed the name of this petitioner and other accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that except disclosure made by the co-accused Munna Singh, there is nothing on record, which suggests the complicity of this petitioner. It is next submitted that only because of the past criminal antecedent the name of the petitioner has been implicated in the present case. However, the petitioner is on bail in all other six cases. It is lastly submitted that this petitioner is in custody since 26.10.2021 and moreover the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the apprehended person disclosed the name of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that nothing has



been recovered from the person or possession of this petitioner and further he is in custody since 26.10.2021, though the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge Excise, Gopalganj in connection with Gopalpur P. S. Case No. 169 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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