

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4669 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- GOPALPUR District- Gopalganj

SARVESH GIRI Son of Rajkishor Giri Resident of Village - Town Shahpur
(Pakdihar), Dumariya, P.s.- Gopalpur, Distt.- Gopalganj , State- Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Supplementary Affidavit with regard to the
criminal antecedent of the petitioner has filed by learned
counsel appearing for the petitioner and taken on record.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 64 of 2021 registered for the offence
under Sections 341, 323, 353, 427, 504, 506 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

The petitioner is named in the FIR and is in
custody since 03.12.2021.



The allegation against the petitioner is to have in possession of illicit liquor total of 258.145 litre.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of unknown persons, being part of the crowd, gathered when illicit liquor recovered from the alleged vehicle. It is submitted that the recovery has not been made from the physical conscious possession of the petitioner. While arguing over the matter, it has further been submitted that the petitioner is involved in other 5 different cases of similar nature and in all cases he is on bail. Furthermore, chargesheet has already been submitted in this case, as such there is no chance of tempering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the recovery has not been made from the physical conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the physical conscious possession of the petitioner, let the petitioner, above named, are directed to be released on bail in connection with Gopalpur P.S. Case No.64 of 2021 on furnishing bail bond of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Excise Judge, Gopalganj subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be who is the deponent of the present bail petition.”.

(Chandra Shekhar Jha, J)

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