

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10391 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Akbar Ali Son of Nabi Rasul Resident of Village - Hariharpur, Police Station -
Yadopur (Jadopur), District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Baikunthpur P.S. Case No. 234 of 2021 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.07.2021.

It is alleged that there was recovery of 259.200 liters
of liquor from a pick up van and petitioner was apprehended at
the spot.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the co-driver of the alleged pick up



van and nothing incriminating has been recovered from the conscious possession of the petitioner. It has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that nothing incriminating has been recovered from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Baikunthpur P.S. Case No. 234 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Gopalganj, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial



Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented 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 duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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