

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6603 of 2022**

Arising Out of PS. Case No.-303 Year-2021 Thana- GOPALPUR District- Gopalganj

Mukesh Giri Son of Rajkishor Giri R/O Village- Shahpur Pakdihar, P.S.-
Gopalpur, 841503 District- Gopalganj (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 : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 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 Gopalpur
P.S. Case No. 303 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.12.2021.

The allegation against the petitioner is to be found in
possession of 54 liters of IMFL.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged motorcycle from which recovery is
made does not belongs to the petitioner, moreover, the recovery



has not been made from the conscious physical possession of the petitioner. It has further been submitted that the provision of Section 100 of Cr.P.C. has not been complied with. It has further been submitted that out of eight criminal cases of similar nature, as mentioned in paragraph no.3 of the bail petition, petitioner is on bail in six cases.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is not the owner of the alleged motorcycle.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical 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 Gopalpur P.S. Case No. 303 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 Additional District Judge-IV-cum-Special Excise Judge, 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 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 Rajkishor Giri, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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