

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13632 of 2022

Arising Out of PS. Case No.-246 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 : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gopalpur P.S. Case No. 246 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total 54.640 litres of country made liquor was recovered from a gunny bag kept on a motorcycle which was allegedly being brought by the petitioner and co-accused who fled away from the spot leaving behind the bag.



The learned counsel for the petitioner submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. The petitioner is not the owner of the motorcycle and he has filed a supplementary affidavit stating this fact. Though a number of cases have been registered against this petitioner, but he is on bail in all those cases. In this case, the petitioner is in custody since 03.02.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from the possession of the petitioner and further considering the fact that the petitioner is not the owner of the motorcycle from which the recovery has been made and also considering the submission of charge sheet and period of the custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Excise Judge, Court No.-1, Gopalganj in connection with Gopalpur P.S. Case No.



246 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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