

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18157 of 2022**

Arising Out of PS. Case No.-76 Year-2020 Thana- GOPALPUR District- Gopalganj

SARWESH GIRI @ SARVESH GIRI S/O RAJKISHORE GIRI Resident of
Shahpur Dumariya, P.S.- Gopalpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 24-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 76 of 2020 registered for the offences
punishable under Sections 272, 273, 420 of the Indian Penal
Code and Section 30(A) of Bihar Prohibition and Excise Act,
2016.

As per prosecution case, on secret information
police team reached at Village Segawadhi Gaddi Tola and



started checking the vehicle. In the meantime, five motorcycles loaded with gunny bag came there and during course of search 72 litre Banti Babli country made wine has been recovered from the gunny bag which was loaded on motorcycle bearing Registration No. UP57W 2961 and the said motorcycle was being driven by the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 03.02.2022 and bears criminal antecedent of six cases of similar nature in which he is on bail in three cases. He further submits that petitioner is only driver of the said motorcycle. Nothing has been recovered from his conscious possession and the petitioner is not apprehended on the spot and he has falsely been implicated in the present case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, 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 Sessions Judge-IV cum Special Judge, Gopalganj in connection



with Gopalpur P.S. Case No. 76 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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