

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30943 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- GOPALPUR District- Gopalganj

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AMOD SINGH SON OF LALBABU SINGH R/O VILLAGE- LAXMIPUR
CHAILWA, P.S.- GOPALPUR, DISTRICT- GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 51050 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- GOPALPUR District- Gopalganj

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CHANDESHWAR SINGH S/o- Dharm Raj Singh R/O- Vill - Badahara,
Barai Tola, P.S. - Gopalpur, Distt. - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30943 of 2021)

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Shantanu Kumar

(In CRIMINAL MISCELLANEOUS No. 51050 of 2021)

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 23-03-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with
Gopalpur Police Station Case No. 293 of 2020, registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.



The prosecution case, as per the First Information Report, is that the police, on the basis of secret information, intercepted two motorcycles, arrested the petitioners and recovered 83 litres of illicit liquor from the motorcycle of the petitioner, Amod Singh and 75.4 litres of illicit liquor from the motorcycle of petitioner, Chandeshwar Singh.

Learned Counsel for the petitioners, in both the cases, submit that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case by the police with oblique motive. They further submits that at the time of search and seizure, the procedure prescribed under the provisions of the Bihar Prohibition and Excise Act, 2016 as well as Code of Criminal Procedure, 1973, was not followed. They further submits that the petitioners are not the owners of the motorcycles, in question, and no illicit liquor has been recovered from the conscious possession or the vehicles belonging to the petitioners. They further submits that the petitioners are in custody since 18.02.2021 and 09.06.2021 respectively and charge sheet has been submitted against them, and as such, there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on



behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioners are in custody since 18.02.2021 and 09.06.2021 respectively and charge sheet has been submitted against them, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, 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 2nd Additional Sessions Judge, -cum- Special Judge, Excise, Gopalganj, in connection with Gopalpur Police Station Case No. 293 of 2020.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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