

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28361 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- GOPALPUR District- Gopalganj

Sanjay Singh, Son of Late Swaraj Singh, Resident of Mohalla- Daraura, P.S.-
Anup Sahar, At present Residing at House No. 557K Lodhan-3 Gayatri Nagar,
Jahangira Bagh, P.S. Jahangira Bagh Rural, District- Sahar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Radha Mohan Singh, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Gopalpur P.S. Case No. 85 of 2022 registered
for the offences punishable under Sections 30(a), 32 (2) and
41(1) of the Bihar Prohibition and Excise Act 2018.

As per the prosecution case, it is alleged that while the
police was on patrolling duty, on a confidential information,
intercepted a Tata 407 Pick-up Van and on search being made



total 432 litres of Indian made foreign liquor was recovered. It is further alleged that the driver of the Pick-up Van and this petitioner was apprehended at the spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the vehicle nor the consigner of the illicit liquor and in fact on the fateful day the petitioner had taken lift for the said vehicle and in the meantime he was arrested by the police and thereafter the police has obtained the signature of the petitioner on a blank piece of paper leading to confession, It is next submitted that save and except the aforesaid facts, there is no material, which suggests the complicity of the petitioner. It is lastly submitted that the petitioner is in custody since 30.03.2022, moreover the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 30.03.2022 having fair antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of



commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV -cum- Special Judge (Excise) Court -II, Gopalganj in connection with Gopalpur P.S. Case No. 85 of 2022, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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