

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30129 of 2022**

Arising Out of PS. Case No.-842 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Guddu Kumar @ Guddu Sah Son Of Jata Sah R/O Village- Nawada Rajokhar,
P.S.- Nagar Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nawal Kishore, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 06-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 40 liters of raw sprit.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of the self-confessional statement of the petitioner. He further submits that it appears from the FIR that



the recovery has been made from the back side of the house of the petitioner. Nothing has been recovered from conscious possession of the petitioner. In fact the petitioner was remanded in Mohammadpur P.S. Case No.220 of 2021 and he disclosed about the recovered illicit spirit. In fact the petitioner has no concern at all with the alleged recovery and the petitioner is in custody since 28.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gopalganj Town P.S. Case No.842 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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