

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41388 of 2021**

Arising Out of PS. Case No.-229 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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VISHAL BAITHA @ VISHAL KUMAR BAITHA S/o- Nand Kishore Baitha
Resident of Village - Basdila Murgiya Tola, P.O. - Gopalganj, P.S. - Gopalganj
Nagar, District - Gopalganj, Pin Code -841428

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate.

For the Opposite Party/s : Mr.Ashok Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 09.06.2021,
seeks regular bail in connection with Gopalganj Town P.S. Case
No. 229 of 2021 for the offence punishable under Sections 30(a)
and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that on secret
information during patrolling by the police party, altogether
73.800 litres of country made liquor was recovered from three
plastic bags hidden in the bamboo clump. Accordingly, seizure-



list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the name of the petitioner has been taken by a spy. Petitioner is a student and he has no criminal antecedent. Nothing incriminating article or illicit liquor was recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II, Gopalganj in connection with Gopalganj Nagar P.S. Case No. 229 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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