

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41998 of 2021**

Arising Out of PS. Case No.-200 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

GUFRAN ALI Son of Isararul Haque @ Goghar Miyan Resident of Village -
Miralipur, P.S. - Thawe, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 04-01-2022 Heard.

The petitioner seeks regular bail in connection with Kuchaikote P.S. Case No. 200 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 620.82 liters of illicit liquor from a Creta Car, which was being driven by the petitioner, however, the person who used to sell illicit liquor had managed to escape.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 21.5.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 9 of the present petition that the



petitioner is not the owner of the car in question. It is further submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by the learned Court below for the purposes of grant of bail in the present case.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not the owner of the vehicle in question and is languishing in custody since a long time, though I deem fit and proper to direct for release of the petitioner on regular bail but with a condition that in case the petitioner is made an accused for the offences punishable under the Bihar Prohibition and Excise Act, 2016 henceforth, the present privilege of bail being extended to the petitioner, shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Kochaikote P.S. Case No. 200 of 2021, subject to the aforesaid conditions.

(Mohit Kumar Shah, J)

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