

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41557 of 2021**

Arising Out of PS. Case No.-653 Year-2020 Thana- SITAMARHI District- Sitamarhi

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GOPAL KUMAR S/o Late Yamuna Prasad @ Jamu Prasad R/o Mohalla-  
Koat Bazar Ward No. 15, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      31-01-2022                      Hear Mr. Uday Kumar, learned counsel for the  
  
petitioner and Mr. Ramchandra Sahni, learned APP for the State  
  
*via* virtual conference.

Petitioner seeks regular bail in connection with  
Sitamarhi P.S. Case No. 653 of 2020 registered for the offence  
punishable under Section 414 / 34 of the I.P.C. and Section 30(a)  
/ 36 of the Bihar Prohibition and Excise Act, 2016.

The allegation is that a Scorpio vehicle was  
intercepted by the Police and a total quantity of 353.880 liters of  
illicit liquor was recovered from the same and one person  
namely, Pradip Kumar was arrested and the name of the  
petitioner has transpired on the basis of confessional statement  
made by arrested co-accused /Pradip Kumar. Learned counsel  
for the petitioner submits that petitioner is neither the owner nor  
the driver of the vehicle in question.



Learned counsel further submits that the petitioner is in custody since 28/02/2021 and charge sheet has already been submitted. He next submits that Pradip Kumar, Keshav Jha and Aditya Kumar @ Derwa have been granted bail by a Co-ordinate Bench of this Court as well as by this Court in Cr. Misc. No. 23704, 32571 and 37253 of 2021 respectively.

Regards being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, he is in custody since 30.05.2021, the other co-accused persons have been granted bail and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi, in connection with Sitamarhi P.S. Case No. 653 of 2020.

**(Anil Kumar Sinha, J)**

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