

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37262 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Ganesh Kumar, Son of Sri Shankar Rai, Resident of Village - Daadpur
Chaknoor, P.S.- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gopalganj Excise P.S. Case No. 19 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the petitioner and co-accused were apprehended when they tried to flee away from a vehicle, which was intercepted on secret information. Total 348 litres of canned beer was recovered from the intercepted vehicle.



The learned counsel for the petitioner submits that the petitioner is neither the owner nor the driver nor the cleaner of the said vehicle. He was a co-passenger and took lift in the vehicle. He was not knowing about the illicit liquor being carried in the vehicle. Nothing incriminating has been recovered from the conscious possession of this petitioner and whatever recovery has been made, it was made from the vehicle. The petitioner was completely unaware about the contraband being carried in the vehicle. He is a victim of circumstance. The petitioner is in custody since 02.05.2022 and prosecution report has been submitted. The petitioner is having clean antecedent and he is merely aged about 20 years.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that prosecution report has been submitted in this case and further considering the age, clean antecedent and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge, Excise Court-II, Gopalganj in connection with Gopalganj Excise



P.S. Case No. 19 of 2022, subject to the other conditions under
Section 437(3) of the Cr.P.C. and following conditions:

(i) One of the bailors will be Bhushan Rai,
maternal uncle (mama) of the petitioner, who has
sworn the affidavit.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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