

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53913 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- GOPALPUR District- Gopalganj

1. SHAMSHER SINGH SON OF PURAN SINGH R/O VILLAGE AND P.S.- GUWANA, DIST.- SONIPAT (HARIYANA)
2. BAJENDRA SINGH SON OF BALVEER SINGH R/O VILLAGE AND P.S.- GUWANA, DIST.- SONIPAT (HARIYANA)

... .. Petitioners

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 22-04-2022 The applicants/ accused in Crime No. 111 of 2021 registered with Gopalpur Police Station for the offences punishable under Sections 467, 468, 471, 420/34 of the IPC and Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act, 2018 by this application are seeking their release on bail during pendency of the trial.

Heard both sides.

Police were inspecting the vehicles coming from Uttar Pradesh in the State. During the course of that inspection, the police noticed that the driver and conductor of the approaching truck fled from the spot. They were apprehended. They disclosed the police that as the truck driven



by them was containing illicit liquor, they fled from the truck. The truck was inspected. It was found to be transporting 3492 litres of illicit liquor kept concealed under the watermelons. The applicants were those persons who fled from the truck. That is how they came to be arrested.

The truck was found containing 3492 litres of illicit liquor. The investigation of the subject crime is over. The applicants are reportedly not having any criminal antecedents and this is the first offence registered against them. The applicants are undergoing pre-trial detention from June 2021. Therefore, their further pre-trial detention is not warranted and hence, the order:-

- i. The application is allowed.
- ii. The applicants/accused in Crime No. 111 of 2021 registered with Gopalpur Police Station for the offences punishable under Sections 467, 468, 471, 420/34 of the IPC and Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act, 2018, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount by each of them to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any



threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

(A. M. Badar, J)

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