

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58575 of 2021**

Arising Out of PS. Case No.-223 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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GOPAL KUMAR Son of Dhaturi Sav @ Dhaturi Saw Resident of Mohalla-  
Parasdiha Basti, P.S.- Jhariya, District- Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Priya Ranjan, Adv.  
For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-02-2022              Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding  
  
in physical mode in normal course.

Heard learned counsel for the petitioner and the  
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Excise  
P.S. Case No. 223 of 2021 registered for the offence under  
Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 1517.760 liters of foreign liquor.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case. In fact,  
nothing has been recovered from the conscious possession



of the petitioner rather the alleged recovery has been made from a pick-up van bearing registration No. JH-10CB-0584. He further submits that neither the petitioner happens to be driver of the said vehicle nor he is the owner of the vehicle in question and a statement to that effect has been made in paragraph-6 of the petition. He has no concern with the alleged recovery and the vehicle in question. The petitioner is rotting in judicial custody since 17.08.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Gaya in connection with Excise P.S. Case No. 223 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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