

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67176 of 2021

Arising Out of PS. Case No.-279 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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GOPAL SAH, Son of Ramswarup Sah, Resident of Village- Chandopatti,
Ward No. -4, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 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.

The petitioner seeks bail in connection with Excise Case No. 279 of 2021 & Computer Registration No. 278 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 34.605 liters of foreign liquor made from the hut of the petitioner.

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. He further submits that it appears from the FIR as well as seizure list, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the hut of the petitioner. He further submits that there is no compliance of the rule under Section 100 of the Cr.P.C. while preparing the seizure list. The petitioner is rotting in judicial custody since 18.10.2021.

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 2nd -cum-Special Judge (Excise), Samastipur in connection with Excise Case No. 279 of 2021 & Computer registration no. 278 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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