

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58244 of 2022**

Arising Out of PS. Case No.-108 Year-2022 Thana- BISHWAMBHARPUR District-  
Gopalganj

Rudal Sah Son of Subhas Sah R/V- Khushiya Chhapar, P.S- Mirganj, Dist-  
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                  |
|--------------------------|---|--------------------------------------------------|
| For the Petitioner/s     | : | Mr. Vyas Kumar Mishra<br>Mr. Anirudh Kumar Verma |
| For the Opposite Party/s | : | Mr. Ram Priya Sharan Singh                       |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      30-11-2022                      Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with  
Bishanbharpur P.S. Case No. 108 of 2022, registered for the  
offences punishable under Sections 30(a) and 41(1) of the  
Bihar Prohibition and Excise Act, 2016.

As per allegation, 656.640 litres of illicit liquor has  
been recovered from the dicky of scorpio car.

The learned counsel for the petitioner submits that  
the petitioner is innocent and has falsely been implicated in  
this case. He further submits that the petitioner is neither  
driver nor owner of the vehicle and he was not aware of the



content of the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 02.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in four cases

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Additional District and Sessions Judge-IV cum Exclusive Special Excise Court-II, Gopalganj in connection with Bishanbharpur P.S. Case No. 108 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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