

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58306 of 2022

Arising Out of PS. Case No.-47 Year-2020 Thana- KUDHNI District- Muzaffarpur

Gopal Singh @ Amrendra Kumar Singh, Son of Pujan Singh @ Shiv Pujan
Singh R/V- Pupari, P.S- Kudhani, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Kudhani (Turki O.P) P.S. Case No. 47 of 2020
registered for the alleged offences under Sections 414 and 34 of
the Indian Penal Code and Sections 30(a), 38(i) and 41(i) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about three trucks loaded with illicit liquor parked
near a line hotel. A raid was conducted and from these three
trucks recovery of 10037.520 litres of India made foreign liquor
was made. Five co-accused persons were apprehended from the



spot and they named this petitioner along with a number of other co-accused persons for being involved in this illicit trade of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the said trucks from which recovery has been made. The petitioner is not the owner of the said line hotel from where the recovery is stated to be made. It is also clear from the FIR that the owner of the truck had directed the drivers to deliver the illicit liquor to co-accused Ravi Sahni, Rudal Thakur, Sonu Chaudhary and Rakesh Kumar. The petitioner is in custody since 27.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having one criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and



no recovery has been shown from him and further considering the period of custody of the petitioner along with submission of charge-sheet against him, 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 Special Judge (Excise) Court No.-II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 47 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (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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