

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.300 of 2022

Arising Out of PS. Case No.-276 Year-2020 Thana- GOPALPUR District- Gopalganj

SARVESH GIRI S/o Rajkishor Giri Resident of Village- Shahpur Pakdihar
(Mumariya), P.S.- Town Thana Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Gopalpur Police Station Case No. 276 of 2020, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police intercepted two motorcycles, in which four persons were coming from U.P. side and on seeing the police, all the four accused persons fled away, leaving behind their motorcycle. The police recovered a total quantity of 187.2 litres of illicit liquor from the sacks loaded on the two motorcycles. The name of the petitioner and other accused persons have been disclosed by the local villagers.



Learned Counsel for the petitioner submits that the petitioner has got no concern with the motorcycles as well as with the illicit liquor which has been recovered by the police. He next submits that the petitioner's name has transpired on the basis of disclosure of his name by villagers and no illicit liquor has been recovered from his conscious possession or from the vehicles belonging to him. Further submission is that similarly situated accused persons, namely, Mukesh Giri (vide Cr. Misc. No. 24952/2021) and Amod Singh (vide Cr. Misc. No. 31371/2021) have been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 05.10.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 05.10.2021, having no criminal antecedent, I am inclined to grant regular



bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj, in connection with Gopalpur Police Station Case No. 276 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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