

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64172 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- KHARIK District- Bhagalpur

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Gopal Singh @ Gopal Kumar S/O Lalan Singh Resident of Village Jagatpura,
P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anshu Dhar Sharma, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

The petitioner seeks bail in connection with Kharik P.S.
Case No.236 of 2022 registered for the offence under Sections
420, 467, 468 and 120(B) of the Indian Penal Code and Sec
tions 30(a), 36 and 41 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.10.2022.



The allegation against the petitioner is to be in possession of illicit liquor, where, there was recovery of 724.5 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the jointly occupied car, and, as such, it cannot be said that recovery was made from the conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. It is also submitted that petitioner is involved in 7 more cases of similar nature, where he is on bail and suspicion arises due to said criminal antecedents the name of petitioner surfaced in the present case, also without having any connecting evidence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as seizure list appears doubtful coupled with the fact that chargesheet has already submitted, let above named petitioner



directed to be released on bail in connection with Kharik P.S.
Case No.236 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Special Excise Judge-I,
Bhagalpur/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C

(Chandra Shekhar Jha, J)

S.Tripathi/-

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