

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67237 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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Gopal Singh @ Gopal Kumar Son of Lalan Singh R/v- Bihat Jagatpura, P.S.-
Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Excise

P.S. Case No. 389 of 2022 registered for the offence under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

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

custody since 04.11.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 353.835 litres of IMFL/country made liquor from

the alleged vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears in present case on the basis of disclosure made by the driver of alleged vehicle from where recovery of illicit liquor was alleged to be made. It is submitted that admittedly, circumstances of this case suggest that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is also pointed out that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. It is also pointed out that petitioner involved in 8 cases, where he is on bail and implication is only out of suspicion, arises out of those criminal antecedents, where in maximum cases, the name of petitioner surfaced on the basis of disclosure, as made in present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 389 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 Exclusive Special Excise Judge-1, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

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