

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5813 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- GOPALPUR District- Gopalganj

HAPPY SINGH @ GOLU SINGH S/O SANTOSH SINGH @ SANTOSH KUMAR SINGH Resident of village- Barnaiya Gokhul, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 21.11.2022 in connection with Gopalpur P.S. Case No. 234 of 2022, F.I.R. dated 20.11.2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and amended Act 2018.

Recovery is of 259.200 liters of country made foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits it appears from the FIR as well as the seizure list that nothing has been



recovered from conscious possession or the house of the petitioner rather the recovery has been made from the Pick-up Van in question and the petitioner is neither the driver nor the owner of the Pick-up-Van in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and only on the basis of suspicion, the petitioner has been implicated and arrested in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession or the house of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No. 234 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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