

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5063 of 2023

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

1. Manish Kumar S/o Tej Narain Prasad R/o Village- Sobhana Madhopur, P.S.- Sawai Patti, Distt- Muzaffarpur.
2. Arun Kumar @ Arun Sah S/o Nawal Sah R/o Village- Sonaul, P.S.- Rajpur, Distt- East Champaran, Motihari.
3. Anil Kumar S/o Ram Pratap Rai R/o Village- Noniwal, P.S.- Rajpur, Distt- East Champaran.
4. Amit Kumar S/o Laxman Shahi R/o Village- Harkman Shahi, P.S.- Meenapur, Distt- Muzaffarpur.
5. Ajit Kumar @ Ajit Kumar Shahi S/o Shatraghna Shahi R/o Village- Harkman Shahi, P.S.- Meenapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-03-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Gopalpur P.S. Case No. 234 of 2022 lodged under Sections
30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the police was checking
the vehicles on road then 2 motorcycle behind which on pick-up

and on Bolero vehicle were coming. It has been alleged that upon seeing the police party, the rider of the motorcycle started fleeing and the persons sitting on the 2 vehicles were also started fleeing from the place of occurrence but upon chase persons were arrested. Upon disclosure and seizure list, it has been found that total 388.800 liter liquor has been recovered in which from one vehicle 259 liter and from another vehicle 129 liter wine has alleged to be made in the present case.

Learned counsel for the petitioners submits that out of 8 named accused persons, 5 are petitioners in the present criminal miscellaneous application. Counsel submits that the petitioners are in jail since 21.11.2022. Counsel submits that there are one criminal case pending against the petitioner no. 1 and 2 and both are in bail in the said cases. Counsel submits that antecedent of petitioner no. 3, 4 and 5 are clean. Counsel also submits that charge sheet has already been filed in this case. They are ready to fulfill all the conditions whatsoever shall be imposed upon them.

Counsel further submits that petitioners are not the owner of the vehicle. They are poor labourers who were working on the said vehicles.

Learned counsel for the State opposes the prayer for

bail and submits that there are antecedent against 2 persons and rest 3 persons having clean antecedent.

In the present facts and circumstances of this case and the submissions made above, let the Petitioner No. 1 and 2 above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV-cum-Exclusive Spl. Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No. 234 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond,

violation of this condition shall be resulted into cancellation of their present bail bond.

Whereas Petitioner No. 3, 4 and 5 above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV-cum-Exclusive Spl. Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No. 234 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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