

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9018 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- BARAUNI District- Begusarai

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GOPAL SINGH @ GOPAL KUMAR SON OF LALAN SINGH R/O
VILLAGE- JAGATPURA, WARD NO.8, 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. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, APP
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Barauni P.S. Case No.350 of 2022 registered for the offences punishable under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, the police personnel acting upon a secret information raided the alleged place and recovered 1809.720 liters of foreign liquor from the alleged vehicle and



this petitioner is alleged to be involved in illegal trading of liquor.

The main submissions advanced by the learned counsel Mr. Pushpendra Kumar Singh for the petitioner are that the petitioner is neither the driver nor the Khalasi nor the owner of the Tanker in question from where the the alleged wine was recovered, the role of the petitioner in the alleged crime of smuggling of wine was disclosed by the persons who had assembled at the place of recovery as per the prosecution and except this there is no any other material to connect the petitioner to the alleged smuggling of wine and moreover the prosecution did not disclose the names of the persons who revealed the role of the petitioner in the alleged crime and similarly situated co-accused person namely Raman Kumar @ Rakesh Raman has been granted anticipatory bail by this Court vide order passed in Cr. Misc. No.64316 of 2022 and other co-accused person namely Raushan Kumar has been granted Regular Bail by this Court vide order passed in Cr. Misc. No.61557 of 2022 and the petitioner's case stands on better footing from them.

Learned APP Mr. Abhay Kumar Roy appearing for the State has opposed the bail prayer.



In view of the facts, as stated above, and mainly the facts that the petitioner was not apprehended at the spot and he was made accused merely on the basis of disclosure made by some persons who gathered at the alleged place of recovery of wine and moreover all the witnesses made in respect of the recovery of the wine are official witnesses as appears from the seizure list, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 the concerned Court in connection with Barauni P.S. Case No.350 of 2022.

(Shailendra Singh, J)

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