

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11721 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- GOPALPUR District- Gopalganj

1. RAJU KUMAR S/o Madan @ Madan Ray R/o Village- Narayanpur, P.S.- Taraiya, Distt- Saran (Chapra).
2. Vikash Kumar Shukla S/o Nityanand Shukla R/o Village- Mujauna, P.S.- Parasa, Distt- Saran(Chapra).
3. Bittu Ojha S/o Late Sudhir Ojha R/o Village- Sonahobhatha, P.S.- Sonaho, Distt- Saran(Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Gopalpur (Gopalganj) P.S. Case No. 228 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 91.980 foreign liquor from the Maruti Van in question. Petitioners are alleged to be seated in the said van and apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 18.11.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Nothing has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Court – II, Gopalganj in connection with Gopalpur (Gopalganj) P.S. Case No. 228 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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