

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21167 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- GOPALPUR District- Gopalganj

Bablu Singh, S/o Ramayan Singh, R/o village- Thakurai Bairiya Shyampur,
P.S- Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Gopalpur P.S. Case No. 10 of 2023 dated 23.01.2023 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 180 litres of foreign liquor and the same is stated to have been recovered from a car and as per prosecution three persons including the petitioner were apprehended at the spot from the said car but in actual petitioner has been falsely roped in this case mainly on account of his criminal antecedents and



he was neither driver nor owner of the said car. Further submissions are that the petitioner has been languishing in jail since 24.01.2023 and against him the investigation has been completed and he is ready to co-operate in his trial.

4. Learned APP appearing for the State opposes the bail prayer and submits that against the petitioner there is serious allegation and he has a long criminal history of the same nature of offences.

5. Heard both the sides, perused the FIR and seizure list. Though the petitioner has criminal antecedents of 17 cases and out of them 16 have been lodged under the Excise Act but considering the petitioner's custody period and his young age as well as completion of investigation against him, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the **petitioner be released on provisional bail for one year** in connection with Gopalpur P.S. Case No. 10 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, **further on this condition that :**

During the period of his provisional bail, the petitioner shall make his attendance every month at the concerned police station where he is presently residing and if his further activity in



similar nature of offence is found then the Police Station concerned shall inform the court concerned regarding the said activity and thereafter concerned trial court shall take serious action against the petitioner by cancelling his bail bond. If the petitioner's further activity in similar type of offence is not found within the said provisional bail period then the trial court shall confirm the privilege of provisional bail and in this regard the trial court shall call for a report from the police station concerned before confirming the provisional bail.

(Shailendra Singh, J)

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