

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56364 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- YADOPUR District- Gopalganj

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GAGAN DEO RAI @ GAGAN DEV RAI SON OF LATE DASHAI RAI
RESIDENT OF VILLAGE MATH BANWARI P.S PIPRA KOTHI
DISTRICT EAST CHAMPARAN MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Jadopur P.S. Case No. 139 of 2023 for the offence punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act lodged on 15.6.2023 by the informant, Sunil Kumar.

As per the prosecution story, the allegation is that the police intercepted a tractor trolley and from the beneath of bricks 634.26 liters of liquor was recovered/seized. The person apprehended informed that this was to be delivered to the petitioner and accordingly his name has come.

It is the case of the petitioner that he is a business man, selling rice and no role to play in the matter and not



arrested from the spot but due to his implication, has already suffered by being in custody since 17.6.2023 (para-16 of the petition).

Learned APP opposes the prayer stating that the person apprehended named him as the person where the liquor was to be delivered.

Taking into account the fact that he has not been arrested from the spot, his name has come in the confessional statement, do not have criminal antecedent and is in jail since 17.6.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge Excise I, Gopalganj, in connection with Jadopur P.S. Case No. 139 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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