

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52372 of 2023

Arising Out of PS. Case No.-710 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

=====

ANIL KUMAR SAH Son of Sharwan Sah Resident of village - Natwa, P.S. -
Kateya, Distt. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Devashish Giri,Advocate
For the Opposite Party/s : Mrs.Sharda Kumari,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.07.2023 in connection with Gopalganj Excise P.S. Case No.
710 of 2023, F.I.R. dated 11.07.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Recovery is of 72 liters of Banti Babli country
made liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
it appears from the FIR as well as the seizure list that altogether



72 liters of Banti Babli country made liquor has been recovered from the motorcycle in question and it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner and there is non-compliance of Section 100 of Cr.P.C. and the petitioner is in custody since 12.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having clean antecedent, let the petitioner, above named, 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 learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Gopalganj Excise P.S. Case No. 710 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

