

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53327 of 2023

Arising Out of PS. Case No.-461 Year-2023 Thana- LAKHISARAI District- Lakhisarai

GOPAL KUMAR S/O BISHUNDEO TANTI R/O VILLAGE- SURYA
MATH TOLA, GOSHAI TOLA WARD NO. 21, P.S.- KABAIYA,
DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioner is an accused in connection with Lakhisarai (Kebaiya) P.S. Case No. 461 of 2023 registered for the offences under sections 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 20.06.2023 by the informant, Arbind Kumar.

As per the prosecution story, the police during patrolling saw two persons trying to escape, apprehended and recovered 5 litres of country made liquor from this petitioner while 8 litres of country made liquor was recovered from one Rahul Kumar. Accordingly, the FIR.

It is the case of the petitioner that he has been falsely implicated in this case and has been suffered by being in



custody since 21.06.2023 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that he has remained in custody since 21.06.2023 for recovery of 5 litres country made liquor, FIR lodged and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge -IV-cum-Special Excise Judge-I, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 461 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 month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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