

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56248 of 2023

Arising Out of PS. Case No.-64 Year-2021 Thana- GOPALGANJ TOWN District- Gopalganj

GOVINDA YADAV @ GOVIND YADAV S/O JAWAHAR YADAV R/O
VILL- BALUA TOLA, BHAKHRI, PS- KUCHAIKOT, DIST- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Gopalganj P.S. Case No. 64 of 2021(Trial No. 2687/2023) for the offence punishable under Sections 30(a) and 41 (I) of the Bihar Prohibition and Excise (Amendment) Act lodged on 26.1.2021 by the informant, Hardaya Nand Ram.

As per the prosecution story, a car was intercepted and 356.00 liters of country made liquor was recovered/seized. Accordingly, the FIR.

The case of the petitioner is that he is neither the owner nor the driver nor even the cleaner. The 'Chowkidar' has named him as the person who escaped from the car for which he has already suffered by being in custody since 27.7.2023 (para-6 of the petition) though he has criminal antecedent.



Learned APP opposes the prayer for bail.

Taking into account the fact that the car does not belong to him, has not been arrested from the spot and nothing has been recovered from his conscious possession, 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 Court No.I, Gopalganj, in connection with Gopalganj P.S. Case No. 64 of 2021(Trial No. 2687/2023) 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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