

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70672 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- GOPALPUR District- Gopalganj

Police Rai, Son Of Ramlal Rai Resident Of Village- Jadopur P.S.
-BAIKUNTHPUR, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 176 of 2023, lodged on 22.07.2023
under Sections 30 (a) of the Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons including the present
petitioner and it has been alleged that total 48.240 litres of
country made foreign liquor has been recovered from the
motorcycle of the present petitioner on which it is alleged that
he was riding.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that under a deep-rooted conspiracy the present petitioner has been involved in this case. Counsel further submits that the petitioner is not the owner of the said motorcycle.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 23.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty 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 Gopalpur P.S. Case No. 176 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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