

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68955 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- GOPALPUR District- Gopalganj

Ujesh Kumar S/o Umesh Chaudhary R/o Bhagwan Tola, P.S.- Uchkagaon,
Distt- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71270 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- GOPALPUR District- Gopalganj

1. Nagmani Kumar S/o Ramnath Ram R/v- Bhaluhi, P.S.- Baraharia, District- Siwan
2. Mithilesh Kumar Paswan @ Mithilesh Kumar S/o Chhotelal Manjhi R/v- Ekdenga Bazar, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68955 of 2022)

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 71270 of 2022)

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Gopalpur P.S.
Case No. 190 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,



2018.

Recovery is of 636.20 litres of illicit liquor.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather recovery has been made from the vehicle in question and the petitioners have no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioners are neither the driver nor the owner of the vehicle in question and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 12.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioners and the petitioners having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Exclusive Special



Excise Court-II, Gopalganj in connection with Gopalpur P.S.
Case No. 190 of 2022, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Ibrar//-

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

