

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.388 of 2023

Arising Out of PS. Case No.-762 Year-2022 Thana- FATUA District- Patna

PURI GOPE @ RAJESH KUMAR Son of Late Mahipat Gope @ Mahipat Ray Resident of village - Kevlatal Emli Chowk Raipura, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Fatuha P.S. Case No. 762 of 2022 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police upon information, raided the house of the three brothers which include this petitioner and allegation is of recovery of 90.75 litre of foreign liquor and 100 litre mahua.

Accordingly, the FIR.

Learned counsel for the petitioner submits that it is a joint house and their family members reside in their house and it



cannot be solely attributed to him.

Learned APP on the other hand opposes the prayer of bail.

Taking into account all the aforesaid facts as also the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Fatuha P.S. Case No. 762 of 2022 to the satisfaction of learned Exclusive Special Judge Excise, Patna City at Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Ajay Singh/-

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