

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1863 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Rakesh Gope Son of Balram Gope R/v- Devogram P.S.- Pancha in the District of Purulia, West Bengal (WB) At present R/v- Mainatand, Near Chhath Talab and Kaali Mandir, P.S.- Dhansar in the District of Dhanbad, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Excise Case No.419 of 2022 arising out of Sheikhopur-Sarai P.S. Case No. 134 of 2021, registered for the offences punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged that in course of vehicle checking, police intercepted a Bolero Pick-up van and in course of search total 1158 liters of Indian made foreign liquor was recovered. The petitioner is said to be driver of the vehicle.

Learned counsel appearing on behalf of the petitioner



submits that the vehicle in question runs for transportation of the goods and the petitioner being driver of the vehicle was not even aware as to what was being loaded by the transporter and the owner of the vehicle. He further submits that the petitioner has neither any concern with the vehicle nor with the alleged recovered illicit wine, apart from the fact that the petitioner having fair antecedent, is in custody since 12.08.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner coupled with the fact that he is in custody for over a period of eight months and the witness to the seizure are police personnel, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Exclusive Special Excise Judge, Excise Cases, Sheikhpura in connection with Excise Case No.419 of 2022 arising out of Sheikhopur-Sarai P.S. Case No. 134 of 2021, subject to the condition that



one of the bailors will be the close relatives of the petitioner
with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the
trial.

(ii) He will remain present on each and every date of
trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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