

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81258 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- GOPALPUR District- Gopalganj

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DHARAMVIR KUMAR SON OF KISHORI MAHTO RESIDENT OF
VILLAGE- KUBAULIRAM, P.S.- BANGRA, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 246/2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, petitioner and others were
stopped and apprehended by the police from a Pick up van and
Scorpio vehicle. On search, 864.00 litre foreign liquor was
recovered from Pick up van and 216.00 lit foreign liquor was
recovered from Scorpio vehicle in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.



Petitioner is neither owner nor driver of the vehicles in question. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner took a lift on the said vehicle and he was apprehended by the police merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. It is further submitted that petitioner is in custody since 01.10.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 No. II, Gopalganj in connection with Gopalpur P.S. Case No. 246/2023 , subject to the following conditions:-

- (i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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