

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4185 of 2024

Arising Out of PS. Case No.-1037 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Pappu Kumar Ram Son Of Amarjit Ram Resident Of Village - Tirbirwa, P.S.
And District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No. 1037 of 2022 registered for the
offences punishable under Sections 30(a), 41(1) of the Bihar
Prohibition and Excise Amendment Act, 2022.

As per prosecution case, 162 litre country made
liquor was recovered from the house of the petitioner. It is
further submitted that local villagers disclosed the name of
petitioner and other who succeeded in fleeing away from the
place of occurrence.

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 was not apprehended on spot. It is further submitted that the place from where recovery of illicit liquor has been made is a joint family property and does not belong to the petitioner. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 16.12.2023. Petitioner bears criminal antecedent of two cases. Learned counsel orally submits that petitioner is on bail in both the cases.

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, petitioner was not apprehended on spot, 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 Sessions Judge II cum Special Judge Excise I, Gopalganj in connection with Gopalganj Town P.S. Case No. 1037 of 2022, 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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