

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32688 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Gopaljee Gupta @ Gopal Kumar @ Gopaljee son of Nand Kishor Sah
Village- Mahuli Ps- Isuapur Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 13 of 2024 for the offence under sections 30(a) of Bihar Prohibition and Excise Act lodged on 11.01.2024 by the informant, Rishimuni Ram.

3. As per the prosecution story, the police upon secret information, intercepted a motorcycle and recovered/seized 5.280 liters english wine. The apprehended person, Aman Kumar gave the name of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither the liquor nor the motorcycle belongs to him and only because Aman Kumar named him as a person who escaped, has been implicated.



5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the fact that the recovery/seizure from Aman Kumar and the motorcycle does not belong to him, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Court of 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 13 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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)

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