

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39313 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- PIPRA District- East Champaran

Ganesh Kumar Son Of Prahalad Ram Village- Pipra, Ps- Pipra, Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Pipra P.S. Case No. 84 of 2024 lodged on 23.03.2024 under
Sections 414 of the Indian Penal Code and Section 30(a), 41(1)
of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons, including the
present petitioner. The total recovery of 72 liters of country-
made liquor and 15.75 liters of Indian Made Foreign Liquor is
the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 24.03.2024 and is accused in one



more criminal case. He further submits that the alleged recovery has not been made from his conscious physical possession rather it has been made from a motorcycle that does not belong to him. He used the said motorcycle under the wrong impression. If the petitioner shall be released on bail, he shall not commit such a mistake in the future and shall fulfill all the conditions whatsoever that may be imposed upon him.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, but only after framing of charge, if not framed as well as the trial Court on being satisfied that the petitioner is not absconding in Pipra P.S. Case No. 43 of 2022, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No.03, East Champaran at Motihari, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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