

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41202 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- GOPALPUR District- Gopalganj

Arjun Rajbhar Son of Late Donali Rajbhar @ Late Hunali Bhar R/o Village-
Belthari, P.S.- Kuchaikote, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Vikash Kumar Shukla, learned counsel
for the petitioner and Mr. Shyam Bihari Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.03.2024 in connection with Gopalpur P.S. Case No. 60 of
2024, F.I.R. dated 20.03.2024 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Recovery is of 51.600 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather



the recovery has been made from the motorcycle in question. He further submits that altogether 258 pieces of Bunty Bably country made liquor with different batch numbers, each containing 200 ml, total 51.600 liters from the gunny bag kept on motorcycle has been recovered. He further submits that neither the petitioner has any concern with the alleged recovery of the illicit liquor nor he is the owner of the motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.03.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 4th cum Exclusive Special Excise Court No. II, Gopalganj in connection with Gopalpur P.S. Case No. 60 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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