

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40982 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Ramashish Gupta Son of Late Ram Pyare Gupta Resident of Village
-Bishunpura, P.S- Tamkuhi Raj, Dist- Kushinagar (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Shailendra Kumar Dwivedi, learned

counsel for the petitioner and Mr. Awadhesh Kumar Singh,

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.03.2024 in connection with Gopalganj P.S. Case No. 227 of
2024, F.I.R. dated 22.03.2024 for the offences punishable under
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Amendment Act, 2022.

3. Recovery is of 360 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. that altogether 360 liters of country made liquor



has been recovered from the from the tractor in question. He further submits the petitioner has been made accused in the present case only on the ground that the petitioner is the owner of the tractor in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.03.2024.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, 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 Sessions Judge-XIII-cum-Special Judge Excise Court-I, Gopalganj in connection with Gopalganj P.S. Case No. 227 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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