

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46715 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- GOPALPUR District- Gopalganj

Gyasuddin Miya SON OF Imamuddin Miya Village- Sonhula Chandrabhan,
P.S. -Gopalpur, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 237 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 lodged on 21.09.2023 by the informant, Rajesh Rai.

3. As per the prosecution story, the informant alleged that upon secret information, got the knowledge of this petitioner keeping country made liquor in the bushes which was raided and from a sack 69.000 liters of country made liquor recovered/seized. Later, this petitioner came into custody on 27.04.2024 (para-15 of the petition) only because of his criminal antecedent.

4. Learned counsel for the petitioner submits that



since he has criminal antecedent of the same nature, in every case, the police implicated him.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts that the petitioner has remained in custody since 27.04.2024, the FIR is there, he will be facing the trial and charge-sheet has already been submitted, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Exclusive Spl. Judge, Excise Court No.II, Gopalganj, in connection with Gopalpur P.S. Case No. 237 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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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