

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74442 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- GOPALPUR District- Gopalganj

Sachin Baitha @ Sachin Kumar Son of Bhushan Baitha R/O Vill.- Banki
Khal, P.S.- Uchakagaon, Dist.- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shiv Sager Sharma, Advocate
For the State	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 18-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 189 of 2022, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, 584.600 litres of liquor was recovered from a Mahindra XUV-500 bearing Registration No. UP16AM4262.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither the driver nor the owner of the vehicle and thus he was not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that similarly situated co-accused Niraj Yadav has already been enlarged on bail by this



Court vide order dated 25.02.2023 passed in Cr. Misc. No. 2659 of 2023. He further submits that the petitioner has been languishing in jail since 28.06.2024.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Addl. District and Sessions Judge -IV cum Exclusive Spl. Excise Court No. II, Gopalganj in connection with Gopalpur P.S. Case No. 189 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

(Jitendra Kumar, J.)

Chandan/
Ravishankar-

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