

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81249 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- GOPALPUR District- Gopalganj

Manmohan Kumar Pandey Son of Chintu Pandey Resident of village -Chittu
Tola, PS -Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advcoate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Gopalpur P.S. Case No. 247 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 04.10.2024 by the informant, Deepak Kumar.

3. As per the prosecution story, the police, during patrolling, intercepted a Scorpio (VLX) and there is recovery/seizure of 648 liters of illicit liquor which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, implicated, he has nothing to do with the alleged recovery, the Scorpio vehicle does not belong to him and is in custody since 04.10.2024 (para-10 of the petition). Further, the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner



intend to contribute Rs. 20,000/- to the District Legal Services Authority, Gopalganj for the beautification of Civil Court Campus, Gopalganj through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he has two criminal antecedent of similar nature.

6. Considering the submissions put forwarded by the parties as also the fact that the petitioner does not own the vehicle and is in custody since 04.10.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- to the District Legal Services Authority, Gopalganj for beautification of Civil Court Campus of Gopalganj through Demand Draft issued by the local branch of the State Bank of India and the receipt shall be submitted to the trial Court by DLSA, Gopalganj.

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 District and Sessions Judge-IV-Cum-Exclusive Special Judge, Excise Court No.II, Gopalganj in connection with Gopalganj P.S. Case No. 247 of 2024 subject to the following conditions:

(1) 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 the 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 month for next one year 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 bail bond.

(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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