

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4374 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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ABDUL ALAM @ ABDUL ALLAM @ ABDUL HALIM S/O AINULAHAK
R/O VILLAGE- CHHAPIYA WARD NO.-24, P.S AND DISTT.-
GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Bishen

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalganj P.S. Case No. 287 of 2023 registered for the offences
punishable under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, there was alleged
recovery of 89.6 litre country made liquor from the motorcycle
in question and petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 19.04.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has
been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner is not the owner of the motorcycle in question. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Gopalganj cum SPL Judge Excise Court No.1, Gopalganj in connection with Gopalganj P.S. Case No. 287 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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