

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3029 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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DIPAK KUMAR S/o Late Madan Ram Resident of Village-Jhajhwa Bazar,
P.S.-Mohammadpur, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aadesh Raj Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalganj Nagar P.S. Case No. 801 of 2023 registered for the
offences punishable under Sections 30(a)/30(c)/33/41(i) of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, informant got secret
information that illicit liquor was being carried on vehicle
bearing Reg. No. BR05GC0489 and upon verification petitioner
was alleged to be driver of the said vehicle and he was
apprehended from his house.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 09.10.2023 and bears no criminal



antecedent. He further submits that name of the petitioner transpired in the case on the basis of secret information but the source of secret information has not been revealed in the FIR. Petitioner has falsely implicated in the case 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 committed no offence as alleged in the FIR.

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-cum Special Judge Excise Court No. I, Gopalganj in connection with Gopalganj Nagar P.S. Case No. 801 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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