

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2547 of 2024

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

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Sushil Kumar Ojha S/o - Late Sita Ram Ojha R/o Vill.- Ojhawaliya,P.S.-
Badahalganj,Dist.- Gorakhpur,State - U.P.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan, Adv.
For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

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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 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, 2022.

3. As per prosecution case, 800 litre spirit was
recovered from Mahindra Jeeto vehicle in question which was
being driven by the co-accused Deepak Kumar Sharma.
Apprehended co-accused Deepak Kumar Sharma disclosed that
the alleged spirit was loaded on the said vehicle at the behest of
co-accused Guddu Sah and given secretly by the petitioner, the
manager of the Narayani logistics and he was apprehended on



spot.

4. Learned counsel for the petitioner submits that except disclosure of the co-accused Deepak Kumar Sharma, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that petitioner is manager of the Narayani Logistic company who is doing business of transportation of goods and on the alleged date of occurrence, the said article has been booked for transportation. Petitioner is innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner. Petitioner is in custody since 09.10.2023 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.

5. The learned A.P.P. for the State 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 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 Additional District and Sessions Judge – II cum Special Judge Excise Court – I, Gopalganj in connection with Gopalganj 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)

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