

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74009 of 2025

Arising Out of PS. Case No.-407 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Jay Prakash Singh Son of Ramayan Ram R/o- Sakin Gopalpur, P.S.- Bhorey, District- Gopalganj.
 2. Om Prakash Singh Son of Ramayan Ram R/o Village - Sakin Gopalpur, P.S.- Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Gopalganj (Town) P.S. Case No. 407 of 2017 instituted for the offences under Sections 147, 148, 149, 353, 307, 308, 420 of the Indian Penal Code, Section 27 of the Arms Act and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that the police raided a spot where foreign liquor was being unloaded from a truck; upon arrival, miscreants fired at the police, who retaliated and apprehended three co-accused from the spot with recovery of 2737.360 litres of foreign liquor.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners are not named in the F.I.R. The name of the petitioners has transpired in this case on the basis of confessional statement of co-accused who were apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged occurrence and with the recovery. The allegation levelled against the petitioners is general and omnibus in nature. Learned counsel further submitted that petitioners have no concern with the vehicle from which the alleged recovery has been made and petitioners are neither the owner nor the driver of the said vehicle. It has been submitted on behalf of the petitioners that the petitioners are in custody since 22.08.2025 and have no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 25.11.2025 passed in Cr. Misc. No. 76125 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody



undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection withGopalganj (Town) P.S. Case No. 407 of 2017.

(Rudra Prakash Mishra, J)

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