

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5498 of 2025

Arising Out of PS. Case No.-762 Year-2022 Thana- FATUA District- Patna

Shesh Gope @ Shesh Kumar @ Gope Kumar S/o Late Mahipat Gope @ Late Mahipat Rai R/o Kewlatal, Imli Chauk, Raipura, P.S. - Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 02-07-2025 Heard learned Counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner seeks regular bail in a case registered for the offences punishable under Section 30(a) of the Bihar and Excise Act.

3. As per the prosecution case, the police on a tip-off about trafficking of illicit liquor, conducted raid in the house of three brothers, namely, Puri Gope, Krishna Gope and Shesh Gope(petitioner). On search, total 90.75 litres of foreign liquor and 100 litres of illicit country-made liquor was recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in this case and the house, in question, is a joint property. It is next submitted that the petitioner has no concern with the alleged recovery and no incriminating article has been recovered from his conscious physical possession. It is next submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 09.02.2023 and 10.02.2023 passed in Cr. Misc. No. 70011 of 2022 and 388 of 2023 respectively. It is lastly submitted that the petitioner has five criminal antecedents and is in custody since 25.10.2024. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties as well as undertaking given by the petitioner and also considering the period of custody, let the petitioner above-named, be enlarged on bail, on deposition of a sum of Rs. 5,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be



submitted before the learned Court below prior to the furnishing of bail-bonds and thereafter on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Fatuha P.S. Case No. 762 of 2022, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner have concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the



petitioner, the petitioner is directed to appear before the Senior Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Senior Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Senior Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. The application stands allowed.

(Sourendra Pandey, J)

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