

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14432 of 2018

Arising Out of PS.Case No. -283 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

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Ramesh Kumar Gupta S/o Shiv Gupta @ Shiv Kumar Gupta, R/o Kazichak
kali Asthan, P.S.- Mojahidpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.10.2017 in connection with Mojahidpur P.S. Case No. 283 of
2017 for offences punishable under Section 30 (A) of the Bihar
Excise Amendment Act, 2016.

The prosecution case, as lodged by the police
personnel, is during Durga Puja Celebration, the petitioner was
found carrying a bag with 18.800 liters of country made wine near
the Puja Pandal. He was apprehended and seizure list was
accordingly prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated due to highhandedness of the police, rather the petitioner was a poor Thela Wala selling chaat and due to dispute of non-payment by police, the petitioner has been implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further contended that the seizure list has not been prepared in accordance with Section 100 Cr. P.C.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bhagalpur in connection with Mojahidpur P.S. Case No. 283 of 2017.

(Nilu Agrawal, J)

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