

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50133 of 2018

Arising Out of PS.Case No. -357 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Sonu Gupta son of Girdhari Prasad resident of Sadhu Chowk, Police Station
and District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 14-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

54 liters of foreign liquor is said to have been recovered
from the premises of Shivji Sah and he was apprehended and three
accused persons including the petitioner managed to escape. The
said Shivji Sah disclosed the name of the petitioner one of his
fleeing accomplices in the occurrence.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or the place of recovery. He has been falsely implicated in this case by the apprehended accused due to animosity. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the disclosure of the apprehended person which has no evidentiary value in the eye of law. Petitioner was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 19.07.2018. Said Shivji Sah has been enlarged on bail by this court vide Cr. Misc. No. 48911 of 2018 order dated 09.08.2018.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned 2nd Additional District and Sessions Judge-cum-Special Judge Excise Act, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 357 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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