

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7619 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- DARIYAPUR District- Saran

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RAUSHAN KUMAR GUPTA @ MUNNA SHAH @ RAUSHAN KUMAR,
Son of Prabhu Sah @ Prabhu Nath Gupta, Resident of Village - Tarwan, P.O.
Mangarpal, P.S. Sonepur, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-02-2019 Petitioner seeks bail in anticipation of his arrest in connection with Dariyapur P.S.Case No. 8 of 2019 which has been instituted for the offences under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

Huge quantity (4294 litres) of liquor is said to have been recovered while the consignment was unloaded from a truck near river side.

Learned counsel for the petitioner has submitted that from bare reading of FIR, it would appear that one person who was arrested and who disclosed his name as Shailesh Kumar, had taken the name of the petitioner as the person who ran away at the time of search and seizure. Learned counsel has further submitted that with that material against the petitioner, at best, it



is a confession of a co-accused and nothing more.

The petitioner has clean antecedent and he is employed as a teacher in a Government school. Petitioner does not claim and would not claim, in future, the ownership of the truck and the seized consignment of liquor.

Considering the fact that the petitioner is a Government teacher, having clean antecedent and nothing has been recovered from him or from his constructive possession, the petitioner, above named, in the event of arrest or surrender within four weeks, is directed to 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 Additional Sessions Judge-VI, Saran, in connection with Dariyapur P.S.Case No. 8 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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