

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10379 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

DILIP KUMAR @ TUDDU GUPTA Son of Rajendra Gupta Resident of
Village- Khajwati, P.S.- Magadh University (Bodh- Gaya).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Magadh
University P.S. Case No. 130 of 2018 for offences punishable
under Section 30(d) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, as lodged by the police
personnel, is that during night patrolling on secret information
the house of the petitioner and co-accused Sachin @ Guddu
Gupta was searched and from the house 12 bags each containing
50 kgs of Mahua flower totaling 600 kgs was recovered.
Petitioner and co-accused had fled away from the house, and,
accordingly, a seizure-list was 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 in the aforesaid case. He submits that the house is a joint family property and nothing has been recovered from the conscious possession of the petitioner and he is languishing in judicial custody since 28.12.2018 for about two months.

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 completion of three months in custody 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), Gaya, in connection with Magadh University P.S. Case No. 130 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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