

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15137 of 2019**

Arising Out of PS. Case No.-881 Year-2018 Thana- BETTIAH CITY District- West
Champaran

Prakash Kumar @ Prakash Kumar Gupta, Son of Bharat Prasad @ Bharat Prasad Gupta Resident of Village - Kotwali Chowk, P.S.- Bettiah Town, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr. Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 24-06-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case no. 881 of 2018, registered under Section 30(a)/56 of the Bihar Prohibition and Excise Act.

The accusation is that on receiving secret information about selling of illicit liquor by Vikash Kumar and Prakash Kumar (petitioner) in their shop situated near Kotwali Chowk, Bettiah, the informant and other Police personnel reached there. On search, 46 bottle each containing 180 ML kept in black bag and 48 bottle each containing 180 ML kept in plastic bag recovered from the shop of Vikash Kumar, where Reena Devi, wife of Vikash Kumar, and one Md. Akeel were



apprehended from the shop. On inquiry it was detected that Vikash Kumar and his brother Prakash Kumar (Petitioner) are indulged in illicit liquor.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that informant received information regarding illegal business of liquor conducted by Vikash Kumar and his brother Prakash Kumar and raided the shop of Vikash Kumar from where the seized illegal liquor was recovered, but petitioner, who is brother of Vikash Kumar has falsely been implicated in this case. Further submission is that a report was called for from the Superintendent of Police, West Champaran, Bettiah to the effect that the shop of the petitioner and his brother, namely, Vikash Kumar is same or separate, in compliance thereof, the Superintendent of Police, West Champaran, Bettiah sent the report vide letter No. 1564, dated 25.04.2019 to the effect that shop of the petitioner is separate in the same house. As, such no case under the Excise Act is made out against the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge Excise, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 881 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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