

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33633 of 2019

Arising Out of PS. Case No.-90 Year-2019 Thana- CHANPATIA District- West Champaran

Manish Prasad Gupta @ Manish Prasad, Aged about 55 years, Male, Son of Late Sihasan Gupta, Resident of Village Ward No. 03, Chanpatia Bazar, P.S. Chanpatia, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-05-2019 Heard both sides.

Petitioner apprehends his arrest in Chanpatia P.S. Case No.90 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant got information that the liquor was kept in the house of the petitioner, Manish Prasad Gupta and his son Gaurav Kumar was to sell the liquor on the eve of Holi. The police on such information raided the house of the petitioner and apprehended Gaurav Kumar, the son of the petitioner. On search 15 bottles of Royal Stag Premier Whiskey each containing 375 ml., 3 bottles of Imperial Blue Whiskey each containing 375 ml. and 24 pieces of 8 PM whiskey each containing 180 ml. were recovered from the house of the petitioner. Gaurav Kumar, the son of the petitioner on being arrested disclosed before the police that it was he who had brought the liquor from Uttar Pradesh with an



object to double the income.

Learned counsel for the petitioner submits that the petitioner is father of Gaurav Kumar. Of course the recovery of liquor was made from the house of the petitioner but from the secret inputs received by the police as well as the disclosure made by Gaurav Kumar, the son of the petitioner, it is crystal clear that it was Gaurav Kumar who had brought the liquor and petitioner had no manner of concern with the liquor. The police made the petitioner accused in the case only because the petitioner happens to be the father of Gaurav Kumar.

Considering the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, 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 Special Judge, Excise, West Champaran at Bettiah in connection with Chanpatia P.S. Case No.90 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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