

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74763 of 2019

Arising Out of PS. Case No.-233 Year-2019 Thana- UCHKAGAON District- Gopalganj

Suresh Gupta aged about 47 years, Sex-Male, Son of Late Bodha Gupta
Resident of Village - Trilokpur, P.S.- Uchkagaon, Distt - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Uchkagaon P.S. Case No. 233 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 41 liters of country-made liquor is said to have been recovered from a bamboo clump, which is near the house of the petitioner.

It is submitted on behalf of the petitioner that petitioner has falsely been made accused in this case and nothing has been recovered from his conscious possession. It is further submitted that the bamboo clump, from which recovery has been shown, does not belong to the petitioner. Also, in this case, Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is no allegation against the petitioner of tampering with the evidence and petitioner is in custody since



23-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 learned Additional Sessions Judge II cum Special Judge, Excise, Gopalganj in connection with Uchkagaon P.S. Case No. 233 of 2019, on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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