

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7577 of 2020

Arising Out of PS. Case No.-474 Year-2019 Thana- PURNEA SADAR District- Purnia

ROHIT KUMAR GUPTA @ CHHOTU, S/o Kailash Pd. Gupta Resident of
Nageshwar Bagh, P.S.- Sadar, District- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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

ORAL ORDER

3 08-06-2020

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Special Excise Case No. 796 of 2019, arising out of Sadar P.S.
Case No. 474 of 2019, registered under Sections 272 and 273
of the Indian Penal Code and 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The accusation is that on receiving the secret
information on 12.09.2019 about carrying of illicit liquor
loading on Tata Mini Truck 407 from West Bengal to Purnea,
the informant along with other Police personnel started
searching of the vehicle and when they reached near Barsauni
village then on seeing the Police party, some persons started
fleeing, but, on chase, five persons were apprehended, who



disclosed their names Md. Kamrul, Vikram Kumar, Md. Washim, Santosh Choudhary and Bikesh Kumar Choudhary @ Vicky, while two persons succeeded to flee away. A Tata Mini Truck 407 bearing registration No. BR11L-1822 was found there. On search, 64 cartons, each containing 24 bottles of 375 ML Indian made foreign liquor recovered. The apprehended person, namely, Bikesh Kumar Choudhary @ Vicky disclosed that the alleged liquor was being carried on the truck on the instruction of owner and driver of the truck and they were present there for unloading in the Scorpio vehicle.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that petitioner was not apprehended on the spot. In course of investigation, it was detected that the Tata Mini Truck 407 bearing registration No. BR11L-1822 was in the name of wife of the petitioner, but, in course of investigation, the Police implicated the petitioner showing the petitioner as driver of the said vehicle. Further submission is that petitioner is accused in Sadar (Purnea) P.S. Case No. 566 of 2019, due to that reason he has falsely been implicated in this case. The petitioner, in the present case, is in custody since 05.12.2019.



Having regard to the facts and the circumstances of the case, the petitioner, above named, 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 the learned 2nd A.D.J.-cum-Special Judge (Excise), Purnea in connection with Special Case No. 796 of 2019, arising out of Sadar P.S. Case No. 474 of 2019.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

