

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5882 of 2020**

Arising Out of PS. Case No.-228 Year-2019 Thana- NAUTAN District- Siwan

DEEPAK GUPTA Son of Late Mahajan Gupta @ Mahajan Resident of  
Village-Banjariya, P.S.-Bankata, District-Dewariya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      13-05-2020                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor for the  
  
State.

The petitioner is in custody in connection with Nautan  
P.S. Case No. 228 of 2019 registered for the offences under  
Sections 30(A) and 41(1) of the Bihar Prohibition and Excise  
Act, 2016.

In the instant case there is recovery of 1762 litres of  
liquor from a pickup van.

Learned counsel appearing on behalf of the petitioner  
would submit that the nothing was recovered from the conscious  
possession of the petitioner and the seized van does not belong  
to the petitioner. The petitioner is in custody since 28.12.2019.

Considering the submission that nothing was



recovered from the conscious possession, the pickup van also does not belong to the petitioner and the petitioner remained in custody for nearly five months, the Court is inclined to grant bail to the petitioner. Let the petitioner, above named, be released on bail on furnishing his personal bond to the satisfaction of the Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Nautan P.S. Case No. 228 of 2019, on account of the circumstances prevailing due to lockdown in the wake of Covid-19 pandemic.

**(Anil Kumar Upadhyay, J)**

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