

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11615 of 2019**

Arising Out of PS. Case No.-665 Year-2018 Thana- ALAMGANJ District- Patna

Bipin Kumar Gupta male, aged about 48 years, S/o Late Laxmi Narayan Sao
R/o Mohalla- Laddu Akhara, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5. 24-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Alamganj P.S.

Case No. 665 of 2018 registered for the offence under Sections
279, 337 & 427 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per F.I.R., there is recovery of 800 liters of
Mahua liquor from a Tata AC Magic vehicle and it is alleged
that petitioner is owner of said liquor.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and petitioner has no
concern either with the illicit liquor or seized vehicle. It is
further submitted that mandatory provision of Section 100
Cr.P.C. has not been followed with respect to search and seizure.

Earlier, vide order dated 21-01-2020, a report was



called for regarding ownership of the vehicle, which has been received and kept at flag 'A'. The report dated 06-02-2020 reveals that petitioner is not owner of seized vehicle.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, 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 Special Judge, Excise, Patna in connection with Alamganj P.S. Case No. 665 of 2018 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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