

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24664 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

1. RAKESH KUMAR GUPTA Son of Vinod Kumar Gupta Resident of Village- Lalganj, P.S.- Buxar (M), District- Buxar.
2. Pawan Kumar Guptas Son of Kanhaiya Prasad Resident of Village- Lalganj, P.S.- Buxar (M), District- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Prakash, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

. This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Buxar (M) PS Case No. 153 of 2020 registered under Section 30(a) of Bihar Prohibition and



Excise Act, 2016 .

Having no criminal antecedent it is submitted that the petitioners are in custody since 21.5.2020 on the alleged recovery of 36.280 litres of country made liquor while their motorcycle was stopped.

Learned Counsel for the petitioners submits that the recovery is from the motorcycle and not from the conscious possession of the petitioners. They bear no criminal antecedent. It is submitted that their implication is based on suspicion.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Buxar in Buxar (M) PS Case No. 153 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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