

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85361 of 2019

Arising Out of PS. Case No.-884 Year-2019 Thana- SAHARSA District- Saharsa

ASHOK KUMAR GUPTA Son of Mahavir Prasad @ Mahabir Sah Resident
of Mohalla- Gangjala, Ward No. 11 Saharsa P.S. and District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in this case is seeking regular bail in
connection with Saharsa Sadar P.S. Case No. 884 of 2019 registered
for the offence punishable under Section 37(c) of the Bihar
Prohibition & Excise Act.

Learned counsel for the petitioner submits that there is no
recovery of liquor from possession of the petitioner. The petitioner
has been apprehended in drunken condition and he is in custody
since 27.09.2019.

Learned APP has opposed the prayer for regular bail of the
petitioner.

Considering the facts and circumstances of the case
wherein it is the submission of learned counsel for the petitioner that
there is no recovery of illicit liquor from possession of the petitioner
and he has been made accused in this case by alleging that he was in



drunken condition as also that the petitioner has remained in custody since 27.09.2019, the investigation against him is complete, let the petitioner above named be released on bail in Special (Excise) Case No. 475 of 2019 arising out of Saharsa Sadar P.S. Case No. 884 of 2019 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise) Act, Saharsa, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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