

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85495 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- BRAHMPUR District- Buxar

GORAKH PRASAD, aged about 46 years, Male, Son of Ganga Prasad,
Resident of Village - Noniyapura O.P. Krishna Braham, P.S.- Brahampur,
District – Buxar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ramchandra Sahni, Adv.

For the Opposite Party : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with Brahampur P.S.
Case No. 39 of 2019, registered under Section 30(a) & (c) of the Bihar
Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about
unloading of the liquor by Deepu Sah, who is doing illicit liquor
business since before with the help of his associates Gorakh Prasad,
Mithlesh Prasad and Ramnath Prasad in village Noniapura, the
informant, along with other police personnel, reached there, then, saw
that a tuck in parking condition, where a tempo and a bike were also
parked. On seeing the police party, two persons started to flee away
jumping from the tempo and two persons started to flee away boarding
on bike. On chase, the bike fell down, but, two persons, present on
motorcycle, succeeded to flee away while five cartons loaded on the
bike fell down on the ground. On search, five cartons were found
containing 68 bottles, each containing 180 ml Indian made foreign
liquor. The two persons, who succeeded to flee away boarding on



bike, were identified as Gorakh Prasad and Ramnath Prasad. From the tempo 20 cartons recovered each containing 48 bottles each of 180 ml Indian made foreign liquor. While the persons were present in truck succeeded in fleeing away, but, on search 695 cartons, each containing 180 ml recovered.

Submission is that petitioner is neither the owner/driver of the truck/tempo nor he was apprehended on spot, but, mere on suspicion petitioner has been implicated in this case. In fact, the petitioner is accused in Brahmpur P.S. Case No. 36 of 2017 and Brahmpur P.S. Case No. 303 of 2019, which is a similar nature case, due to that reason the police implicated him in this case. The petitioner is in custody since 15.11.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Brahampur P.S. Case No. 39 of 2019 to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Excise, Buxar.

(Rajendra Kumar Mishra, J)

Shamshad/-

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