

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31684 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- ITARHI District- Buxar

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RITESH GUPTA @ RITESH PRASAD GUPTA Son of Late Jawahar Sah
Resident of Mohalla/Village- Baba Nagar, P.S.- Buxar (Muffasil), District-
Buxar. ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s : Mr. A. Dayal, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 30a of the Bihar Prohibition
and Excise Act.

As per the prosecution case, 270 liters of illicit spirit
was recovered from Maruti swift car. Petitioner managed to flee
away after seeing the police party.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. Petitioner is neither driver
nor owner of the vehicle. Petitioner is in custody since
14.1.2021. Investigation is complete.

Learned counsel appearing for the State opposes the



prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act Buxar in Itarhi Police Station Case No. 06 of 2021, CIS No.34 of 2021 on the following conditions:-

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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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