

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33530 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

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BHUPENDRA SINGH @ BHUPI Son of Prem Singh Resident of Village-
Chapra Colony, Basti Ward No. 13, P.S.- Gohana, District- Sonipat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Archana Sinha, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 420 and 120B of the Indian Penal Code and sections 30(a), 36 and 41(1) of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., 483.780 litres of liquor was recovered from an ambulance and the driver of the vehicle who was arrested took the name of this petitioner as a member of the gang involved in trade of illicit liquor.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and



concocted. There is no material against this petitioner except the confessional statement of a co-accused made before police. The reason for false implication of the petitioner is an earlier case under the Bihar Prohibition and Excise Act against him wherein he has already been enlarged on bail. Neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. He is in custody since 27.2.2021 and investigation in the case has concluded.

It is further submitted by learned counsel for the petitioner that the 73 year old mother of the petitioner is suffering from paralysis and is admitted in I.C.U. in a private hospital at Rohtak. The medical certificate has been brought on record.

The application is opposed by learned A.P.P. for the State who submits that the petitioner already has a case under the Bihar Prohibition and Excise Act against him from before.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for over 5 months, the Court directs the petitioner to be enlarged on bail in connection with Kuchaikote P.S. Case no.35 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Excise, Gopalganj.

(Partha Sarthy, J)

Saurabh/-

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