

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35996 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. RUPESH KUMAR CHAUDHARY @ RUPESH KUMAR S/O LATE PITAMBER CHAUDHARY R/O MOHALLA-THAKURBARI ROAD, WARD NO.26, P.S-SUPAUL, DISTRICT-SUPAUL.
2. ASHOK KUMAR GUPTA @ ASHOK KUMAR S/O LATE YOGENDRA PD. GUPTA @ LATE BHOGENDRA PRASAD GUPTA RESIDENT OF MOHALLA THAKURBARI ROAD, WARD NO. 2/10, POLICE STATION SUPAUL, DISTRICT SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Munish Kumar, Adv.
		Mr. Neeraj Nischal, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 420 and 34 of the Indian Penal Code, sections 182A(4), 177 and 179 of the M.V. Act and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 107.25 litres of liquor is stated to have been recovered from the vehicle in question owned by the petitioner no.2 in which the petitioner no.1 was one of the occupants.

It is submitted by learned counsel for the petitioners



that no incriminating article has been recovered from their possession or from the vehicle in question. They have been falsely implicated in the case. It is submitted that a supplementary affidavit is being filed stating therein about the inadvertent error which has occurred in paragraph no. 3 of the petition wherein one of the antecedents of the petitioner no.2 under the Bihar Prohibition and Excise Act was not mentioned.

The supplementary affidavit is taken on record.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the antecedent of the petitioner no.2 under Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner no.2 on bail and the prayer for bail of the petitioner no.2 is rejected.

Liberty is granted to the petitioner no.2 to renew his prayer for bail after completing one year in custody.

In the facts and circumstances of the case, especially the petitioner no.1 not having any criminal antecedent, the Court directs the petitioner no.1 (Rupesh Kumar Chaudhary @ Rupesh Kumar) to be enlarged on bail in connection with Phulwariya P.S. Case no.81 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 Sessions Judge
II-cum-Special Judge (Excise), Gopalganj.

(Partha Sarthy, J)

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