

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32284 of 2020

Arising Out of PS. Case No.-207 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Abhishek Kumar Gupta @ Abhishek Gupta, Son of Ashwini Kumar Gupta,
Resident of Village Boxa, P.S. Buxar (Mufassil), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP

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

ORAL ORDER

2 05-03-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Buxar (Mufassil) P.S. Case No. 207 of 2020, registered under Section 30(a) of the Bihar Excise Act.

The accusation is that on receiving secret information about selling the illicit liquor by petitioner along with Ashwini Kumar Gupta in village Boxa, the informant along with other police personnel reached there. On seeing the police



party, two persons started to flee away from the house of Ashwini Kumar Gupta, out of whom, one person throwing the sack. While they were chased but they succeeded to flee away taking advantage of darkness. On search of the sack, 52 bottles each containing 180 ml Indian made foreign liquor were recovered. The villagers present there disclosed their names as Ashwini Kumar Gupta and Abhishek Kumar Gupta (petitioner) .

Learned counsel for the petitioner submits that it would appear from the FIR that the alleged recovery of bottles of illicit liquor was not made from possession of the petitioner nor the petitioner was apprehended on the spot but the name of the petitioner has been disclosed by the villagers due to ulterior motive. It is further submitted that while the petitioner along with Ashwini Kumar Gupta was identified by the villagers but the name of the villagers are not detailed in the FIR. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-II-cum-Special Judge (Excise), Buxar, in connection with Buxar (Mufassil) P.S. Case No. 207 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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