

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39287 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- FATEHPUR District- Gaya

Vivek Kumar Gupta Son of Dinesh Kumar Gupta Resident of Village -
Kuldiha, P.O. - Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Fatehpur PS Case No. 150 of 2020, instituted for the offence under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a/26/35 of the Arms Act.

204 litres illicit liquor has allegedly been seized from a pick up van.

The petitioner's counsel submits that he was the driver. The recovery cannot be attributed to him as he was rendering his professional services without having any knowledge about the contents. The recovery of pistol and live cartridges is from the other co-accused, namely, Santosh Kumar Gupta. The petitioner bears a clan past and he is in custody since



11.07.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 learned Additional District & Sessions Judge-II-Cum-Special Judge, Excise Act, Gaya, in connection with Fatehpur PS Case No 150 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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