

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36967 of 2020

Arising Out of PS Case No.-400 Year-2020 Thana- SIKARPUR District- West Champaran

Bablu Kumar Gupta @ Bablu Sah, aged about 28 years, Male, Son of Rama Prasad, Resident of Purani Bazar, Ward No. 3, Narkatiyaganj, P.S. - Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Shikarpur PS Case No. 400 of 2020 dated 08.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that initially from his possession 1.8 litres of liquor was recovered and upon his disclosure 140 litres of liquor was recovered from the house of Anjani Devi, which was kept by the petitioner.



4. Learned counsel for the petitioner submitted that he has been falsely implicated and at best only 1.8 litres of liquor can be said to be recovered from him. It was submitted that the petitioner is in custody since 09.08.2020.

5. Learned APP submitted that the petitioner has two cases of similar nature.

6. Leaned counsel for the petitioner submitted that the Court may impose strict conditions.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Bettiah, West Champaran in Shikarpur PS Case No. 400 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the



undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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