

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3616 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

UPENDRA KUMAR GUPTA Son of Ashok Prasad Gupta Resident of
Kumhrar Toli, Bajarang Steel, Kankarbagh, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh- Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Kameshwar Singh, the learned Advocate

for the petitioner and Ms. Indu Kumari Srivastava, the learned

APP for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with P. R. Case No.28 of 2020, instituted for the
offences under Sections 30(a)/ 32(1), 41(1), 41(2) of the Bihar
Prohibition and Excise Act, 2016.

It appears that a vehicle was intercepted from where
53.781 litres of liquor was recovered. The vehicle in question
stands in the name of the petitioner.

It has been submitted on behalf of the petitioner that
he had given the vehicle (three wheeler) to be plied on
commercial basis but the driver appears to have played truant.



The petitioner has no idea that his vehicle was being used for transporting liquor.

The petitioner does not have criminal antecedent.

On these grounds, it has been urged that the offence under the Excise Act cannot be made out against the petitioner.

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court, Patna in connection with PR Case No.28 of 2020, Special Case No.3663 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

