

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3610 of 2021**

Arising Out of PS. Case No.-143 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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RAJU KUMAR GUPTA @ RAJESH KUMAR SAH Son of Hiralal Gupta @
Hira Laal Gupta @ Hiralal Sah Resident of Village-Bhitbherwa, P.S.-
Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh APP.

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 21-06-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Vishambharpur PS Case No. 143 of 2020 registered under Sections 30(a), 41(1) and 47 of Bihar Prohibition and Excise Act, 2016 .

405 Liters of illicit liquor is alleged to have been recovered from the Scorpio vehicle being driven by the petitioner. He is in custody since 22.9.2020, which is written as 31.10.2020 in para 10 of the bail petition due to typographical error, as per submission of the learned counsel. He is not owner of the vehicle. He was lending his services as driver for transportation of some fruit



cartons for Tilak ceremony of nephew of the owner. He has become victim of the circumstances and has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 2nd cum Special Judge, Excise Act, Gopalganj in Vishambharpur PS Case No. 143 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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