

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3582 of 2021**

Arising Out of PS. Case No.-282 Year-2019 Thana- SOHSARAI District- Nalanda

AMIT KUMR GUPTA Son of Late Ramchandra Prasad Resident of Village-
Badi Pahadi, Mansur Nagar, P.S.-Sohsarai, District-Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Rajendra
Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Sohsarai P.S. Case No. 282 of 2019 registered for
the offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that the
informant on secret information reached near the house of the
petitioner where on seeing the police three persons started fleeing but
on chase one person was apprehended. Apprehended person
disclosed his name as Sonu Kumar residing in the house of the
petitioner as tenant. He disclosed the name of escaped persons as



Amit Kumar Gupta (Petitioner) and Munna Kumar Gupta. The informant recovered 60.200 liters of illicit liquor from the house of this petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the seized illicit liquor as the recovery was from the room of his tenant. The petitioner is in custody since 14.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the petitioner has remained in jail for 7 months in connection with the present case, the allegation is that of recovery of 60 liters of wine from a room in which a tenant is residing, investigation against him is complete and at this stage there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (Excise), Nalanda at Bihar Sharif in connection with Sohsarai P.S. Case No. 282 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as



under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

