

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8283 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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SURAJ GUPTA @ SURAJ KUMAR S/O RAMKESHVAR SAH @ AKLU
GUPTA Resident Of Village - Chhapramegh, PS. - Mushari, District -
Muzaffarpur at Present Resident Of Mohalla - Rajendra Marg, Gala Bandh
Road, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-05-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Bela P.S. Case no. 31 of
2020 registered under sections 272, 273, 414 and 120B of the
Indian Penal Code and sections 30(a), 38(1) and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., it is stated by the
informant that on a raid being conducted a total of 4273.20 litres
of IMFL was recovered from the vehicles and the accused
persons named in the F.I.R were taken into custody. It is further
stated that one of the accused stated that they were dealing in
illicit liquor at the instance of the petitioner who is himself in
custody.

It is submitted by learned counsel for the petitioner



that from perusal of the F.I.R itself, it would transpire that neither any incriminating article has been recovered from the person or possession of the petitioner and in fact the only material against the petitioner is confessional statement of a co-accused made before police. The petitioner has been falsely implicated in the case because of his antecedent. He is in custody since 5.9.2020 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the F.I.R. together with the period in custody, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Bela P.S. Case no. 31 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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