

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9900 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- MALSALAMI District- Patna

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Chandan Kumar Gupta, male, aged about 33 years, Son of Shravan Kumar Gupta, Resident of Mohalla - Vigrapur, P.S.- Jakkanpur, District - Patna, At present resident of Indra Nagar Road No. 09, Near New Patna Central School, P.S.- Phulwarisharif, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nazir Alam, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Malsalami P.S. Case No. 195 of 2020 (Special Case No. 4857 of 2020), dated 17.08.2020, instituted for the offences under Sections 30(a), 32(1), 32(3), 41(1) and 42(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



169.50 litres of liquor is said to have been recovered from a Tata-Magic van said to belong to the petitioner.

It has been submitted on behalf of the petitioner that the vehicle was given to the driver for being run on commercial basis but in the garb of transporting sanitizers, liquor was transported. The petitioner had no idea that his vehicle would be used by the driver in such an unauthorized manner.

It has further been submitted that the petitioner has never been made accused in any case whatsoever, much less in case of Excise Act.

On these grounds, it has been urged that no offence under the Excise Act can at all be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four 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 Judge, Excise, Patna in connection with Malsalami P.S. Case No. 195 of 2020 (Special Case No. 4857 of 2020), subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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