

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3800 of 2022**

Arising Out of PS. Case No.-247 Year-2019 Thana- HUSSAINGANJ District- Siwan

BITU KUMAR GUPTA @ BITTU KUMAR @ BITU KUMAR Son of
Parshuram Jee Sah Resident of Village - Aranda, P.s.- M.H.Nagar, Distt.-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar B

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 10-03-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273, 420 and 34 of the Indian Penal Code and sections 30(a), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per the allegations in the FIR, 846.72 litres of IMFL was recovered from the vehicle and one Manjai Chaudhary was taken into custody. He disclosed that he does the business along with his nephew Sandeep Chaudhary and that the seized liquor was to be delivered to the petitioner Bitu Kumar Gupta.

It is submitted by learned counsel for the petitioner that neither the petitioner has been arrested at the spot nor any incriminating article has been recovered from his possession. He has been falsely implicated in the case on the basis of the confessional statement of Manjai Chaudhary made before police. The said Manjai Chaudhary has been enlarged on bail



vide order dated 27.11.2019 passed in Cr. Misc. no. 67378 of 2019. The petitioner is in custody since 15.12.2021 and has no criminal antecedent. It is further submitted that a supplementary affidavit has been filed bringing on record the medical condition of the one and half year old son of the petitioner who has been advised surgery.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with grant of bail to co-accused Manjai Chaudhary on whose confessional statement before police the name of the petitioner transpired, the Court directs the petitioner to be enlarged on bail in connection with Hussainganj P.S. Case no. 247 of 2019 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 2nd Addl. Sessions Judge II-cum-Special Judge, Siwan.

(Partha Sarthy, J)

Prakash/-

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