

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12251 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- KHAJEKALA District- Patna

VIJAY KUMAR GUPTA Son of Late Jay Krishna Prasad, Resident of Village
- Khajekalan (Singhi Dalan), P.S.- Khajekala, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-06-2022 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khajekala P.S. Case No. 24 of 2022 lodged under Sections
30(a), 32(i)(ii), 33, 34, 36 and 41(i)(ii) of Bihar Prohibition and
Excise Act, 2018.

As per the prosecution case, the police has lodged the
present F.I.R. and alleged that during investigation of Murarpur
Police Station, Buxar, Case No. 10 of 2022 lodged under
Sections 272, 273, 321, 308, 304, 120(b) of the Indian Penal
Code read with Section 30(a) and 37(b) of Bihar Prohibition and
Excise Act, 2018, name of the present petitioner along with
others has been disclosed, that the petitioner has sold synthetic
essential oil to one Akhilesh Upadhyay, who alleged to sold this
synthetic essential oil to one Munna and subsequently Munna
sold to Deepak, who has prepared the local wine and after
consuming this wine, many persons were died.

Learned counsel for the petitioner submits that the petitioner is the brother of accused Sanjeev Kumar and they were running business under the banner Ganga & Sons. They are valid license holder having due registration under this banner at Patna which are Annexure- 2, 3 and 4 of supplementary affidavit. He further submits that the proprietor firm Ganga & Sons had validly purchased synthetic essential oil from Kamla Trading Company, Varanasi. He further submits that the use of this synthetic essential oil is for preparation of fragrance but anybody who used to take this oil and create the illegal activities then it is absolutely bad in law. Learned counsel for the petitioner further submits that the said material which is used for fragrance does not come within the category of excise act and he further submits that the petitioner is completely unaware that the said Akhilesh Upadhyay (co-accused) shall purchased this oil from him and shall involve in such illegal activities.

Learned counsel for the petitioner submits that petitioner is in custody since 29.01.2022, charge sheet has already been filed in this case and he has having clean antecedent.

Learned counsel for the State opposes the prayer for

bail and submits that the present case is directly related to Murarpur P.S., Buxar, Case No.10 of 2022 in which Munna, Deepak and Akhilesh were the main accused.

Considering the facts and circumstances of this case that petitioner is a business man having clean antecedent, charge sheet has already been filed in this case and he is in custody since 29.01.2022, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.100,000/- (One lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Khajekala P.S. Case No. 24 of 2022, subject to the following conditions:-

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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