

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16425 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- DEHRI TOWN District- Rohtas

1. S. KUMAR GUPTA S/o Ram Swarup Sah R/o Village- Tenar, P.S.- Meral, District- Gardhwa (Jharkhand).
2. BASANT KUMAR GUPTA S/o Arjun Sah R/o Village- Tenar, P.S.- Meral, District- Gardhwa (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Dehri Indrapuri P.S. Case No. 537 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

As per prosecution case, after getting secret information informant with other police personnel started the vehicle. In the meantime, one wagoner car and one pickup van were intercepted. From the Wagoner car four persons were



apprehended and from pickup van two persons were apprehended. The persons apprehended from pickup van disclosed their name as S. Kumar Gupta and Basant Kumar Gupta (petitioners). S. Kumar Gupta (petitioner no. 1) was driving the pickup van and Basant Kumar (petitioner no. 2) was the co-driver. It is further alleged that total 1065 litre illicit liquor was recovered from the vehicles in question.

Learned counsel for the petitioners submits that petitioners are in custody since 22.09.2021. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioners rather they have been arrested only because they are driver and helper of the pickup van in question from which liquor was recovered. Being the driver and helper of the vehicle, they were doing their job for their livelihood.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of petitioners, charge-sheet has already been submitted and there



is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Adll. Sessions Judge 2nd – cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dehri Indrapuri P.S. Case No. 537 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

