

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17184 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- BUXAR District- Buxar

ANISH VERMA S/o Sakhichandra Verma Resident of- Barachaur, P.S.-
Karimuddinpur, District- Gajipur (U.P.), At present Resident of- Kharirabari,
District- Ghazipur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, accused Tuntun Gupta @ Priyanshu Gupta was taken into custody and on search a beer containing 500 ML as also large quantity of homeopathic medicine for diluting the same was recovered from the cartoon. It is stated that the same is used in place of alcohol for consumption as also sale. No document was produced. On disclosure by the accused Priyanshu Gupta the petitioner was taken into custody from whose possession a mobile phone was recovered. It is further stated that the petitioner and Priyanshu



Gupta disclosed that they sell homeopathic medicine at higher rates to Jhuna Pathak.

It is submitted by learned counsel for the petitioner that from the contents of the FIR as also the order of the learned Court below rejecting the application for bail of the petitioner, no incriminating article has been recovered from the petitioner's possession. The name of the petitioner transpired in the confessional statement of coaccused Tuntun Gupta @ Priyanshu Gupta made before the police. The petitioner is in custody since 1.2.2022 and has no criminal antecedent. He undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is resident of outside the State of Bihar.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the nature of allegation and petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Buxar Town P.S. Case no. 59 of 2022 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 Excise Special Judge 1st Buxar on the following conditions:



1. One of the bailors of the petitioner shall be a close relative of the petitioner.

2. The other bailor of the petitioner shall be resident of a place within jurisdiction of the learned trial Court.

3. The petitioner shall cooperate in the trial and shall remain properly represented on each date of the case.

4. In case a violation of any of the conditions stated above, the learned trial Court may proceed to cancel the bail bond of the petitioner and take him into custody.

(Partha Sarthy, J)

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