

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28325 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- RAFIGANJ District- Aurangabad

Rohit Kumar Gupta Son Of Late Baijnath Gupta R/O Village- Adalhatu Niche
Tole- Morahabadi, Ranchi (JHARKHAND). At Present R/O Village- Saifganj,
P.S.- Rafiganj, District- Aurangabad (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Rafiganj P.S. Case No. 43 of 2022 under sections 30(a)/34 of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant
got secret information that three persons with illicit liquor are
coming towards Jhakim station by a Tempo bearing no.
JH03AA 7015. The informant along with the raiding party
reached the bridge of Dhawa river and saw them sitting on the
Tempo. As the persons saw the police, they tried to flee away



but were apprehended. Upon search, total 48 liters of English wine amongst other was recovered/seized and seizure list was prepared accordingly.

Learned counsel for the petitioner submits that for the said alleged recovery/seizure, the petitioner being the Tempo driver has already suffered a lot. He further submits that he is only 23 years old and he may be given a chance so that he can reform himself. He lastly submits that he is in custody since 7.2.2022 (as stated in para-6 of the bail application).

Considering the fact that the petitioner is only 23 years old and need a chance to reform himself, charge-sheet stands submitted and is in custody since 7.2.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court, first, Aurangabad, in connection with Rafiganj P.S. Case No. 43 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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