

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39486 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJPUR District- Buxar

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1. GAUTAM KUMAR S/O SURAJ PRASAD GUPTA @ SURAJ PRAKASH GUPTA R/o village- Magraon, P.S.- Rajpur, District- Buxar (Bihar)
 2. Anil Kumar Singh S/o Shiva Murat Singh R/o village- Tajpur Kurra, P.S.- Dildar Nagar, District- Gajipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Manoj Kumar, the learned APP for the State.

The petitioners seek regular bail in connection with Rajpur PS case no. 40 of 2021 instituted for the offences punishable under Sections 467, 468, 469, 471, 120B/34 of Indian Penal Code and 30(a)(d) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 23.200



liters of illicit liquor from the house of the co-accused person namely Awadh Bihari Sah and the police force had arrested the other co-accused persons including the petitioners herein from the spot.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 09.02.2021. The learned counsel for the petitioner has further submitted that three of the co-accused persons have already been granted bail by co-ordinate Benches of this Court, one of such order being the one dated 13.12.2021, passed in Cr. Misc. no. 36973 of 2021. It is next submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioners nor from their house.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the illicit liquor has neither been recovered from the conscious possession of the petitioners nor from their house and moreover, similarly situated co-



accused persons have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District & Sessions Judge II-cum-Special Judge, Excise, Buxar in connection with Rajpur PS case no. 40 of 2021.

(Mohit Kumar Shah, J)

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