

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35089 of 2022**

Arising Out of PS. Case No.-234 Year-2021 Thana- RAMPUR District- Gaya

CHANDAN KUMAR GUPTA @ CHANDAN KUMAR @ CHANDAN
GUPTA S/O GANESH SAH Resident of Village- Pipra Kothi, P.S.- Pipra
Kotjo District- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 05-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rampur
P.S. Case No. 234 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
under Section 414, 468, 472, 420 and 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 8200 litres of spirit from the vehicle.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of confessional statement of driver/co-accused, namely, Saheb Ansari, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 57815 of 2021 dated 17.12.2021. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor is not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered during course of investigation to connect petitioner, prima facie, with alleged recovery of illicit liquor coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rampur P.S. Case No. 234 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.1, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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