

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36168 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- RAJPUR District- Buxar

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Sunil Kumar Gupta @ Suneel Kumar Gupta, Son Of Jagdish Prasad Sahu,
R/O Village- J. 17/26 Alaipura, Jaitpura, P.S.- Jaitpura, District- Varanasi
(Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rajpur P.S. Case No. 95 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret information about smuggling of illicit liquor from Uttar Pradesh. A white colour car was intercepted and from this car, total 216 litres of India made foreign liquor was recovered and



co-accused persons were apprehended from the spot. Petitioner is stated to be the owner of the vehicle.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and he was not present at the spot and there is no whisper of his being involved in the trade of illicit liquor. There has been an agreement with co-accused Chandan Kumar for running the vehicle at the rate of Rs. 650/- per day and the co-accused got the vehicle registered with Ola company. Hence, the petitioner has no concern with the vehicle on the alleged date of occurrence and the same was in control of co-accused Chandan Kumar. The petitioner surrendered before the court below on 09.05.2022 after his anticipatory bail petition was rejected by a Co-ordinate Bench of this Court vide order dated 21.02.2022 in Cr. Misc. No. 3474 of 2022. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Court No.-2, Buxar, in connection with Rajpur P.S. Case No. 95 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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