

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37389 of 2022

Arising Out of PS. Case No.-137 Year-2020 Thana- CHAND District- Kaimur (Bhabua)

Ashok Gupta, Son Of Munna Gupta @ Nagendra Sah, R/O Village- Tumba,
P.S.- Akbarpur, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 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 Excise Case No. 749 of 2020 arising out of Chand P.S. Case No. 137 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of total 86.400 litres of India made foreign liquor was made from Scorpio vehicle and the co-accused driver was apprehended and this co-accused Imam Raza disclosed that the petitioner got down



midway and ran away and he is a trader of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is neither the owner of the vehicle nor he has any connection with the recovery of liquor made from the vehicle. The co-accused has intentionally dragged the name of the petitioner due to previous dispute. However, this co-accused has been granted bail by a Co-ordinate Bench vide order dated 17.04.2021 passed in Cr. Misc. No. 7935 of 2021. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and he is in custody since 13.06.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not arrested from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner and his clean antecedent, the petitioner above named 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 Judge, Excise, Kaimur at Bhabua in connection with Excise Case No. 749 of



2020 arising out of Chand P.S. Case No. 137 of 2020, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

(i) One of the bailors will be Durga Prasad. brother-in-law of the petitioner, 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)

Rajnish/-

U		T	
---	--	---	--

