

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43557 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BIRPUR District- Supaul

MANOJ GUPTA @ MANOJ KUMAR GUPTA Son of Rajkishore Gupta @
Rajkishor Prasad Gupta R/o Birpur, Ward No. 13, Police Station Birpur, and
District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44111 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BIRPUR District- Supaul

RANJAN SHARMA Son of Mahesh Sharma Resident of Village Basantpur,
Ward No.- 13, P.S. - Birpur, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43557 of 2022)

For the Petitioner/s : Mr.Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha APP

(In CRIMINAL MISCELLANEOUS No. 44111 of 2022)

For the Petitioner/s : Mr.Satyam Anand, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners 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.

In the present case, the petitioners seek bail in
connection with Excise Case No. 239 of 2022 arising out of



Birpur P.S. Case No. 66 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case is that the police received information about three persons keeping liquor buried in the back yard of their house and selling it by way of home delivery. Upon conducting raid, the police seized a total of 11.25 litres of foreign liquor from the house of the Manoj Gupta and 22.665 litres of foreign liquor from the house of Ranjan Sharma. The petitioners were successful in escaping from the places of occurrence.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The distance between the house of the petitioners is approximately 6km however the witnesses for the purpose of search and seizure are the same and no explanation is given for the same. It is further stated that the chemical analysis of the recovered bottles was not done. The petitioner Manoj Gupta has six criminal antecedent and the petitioner Ranjan Sharma has one criminal antecedent. Charge-sheet has been submitted and the petitioner Manoj Gupta is in custody since



19.03.2022. and the petitioner Ranjan Sharma is in custody since 28.03.2022.

Learned APP opposes the prayer for bail submitting that around 34 litres of illicit liquor was recovered and the petitioners are habitual offenders.

Having regard to the submissions made on behalf of the parties and considering their period of custody and the submission of charge-sheet, the petitioner above named are 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 In-Charge Special Judge, Excise, Court No.2, Supaul in connection with Excise Case No. 239 of 2022 arising out of Birpur P.S. Case No. 66 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.



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

(Arun Kumar Jha, J)

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