

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56511 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- DAWATH District- Rohtas

Jai Prakash Gupta, S/O Shobh Nath Prasad @ Somnath Prasad, R/o village
and P.S.- Rajpur, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akbar Ali, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Dawath P.S. Case No.93 of 2021 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
27.06.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per
the prosecution story, the informant alleged that on 26.06.2021, he
received a confidential information that in the village Dhawai, one
Om Prakash Singh @ Bhuar was involved in selling of illicit foreign



liquor in his pickup van, he along with other police personnel reached near the spot and found that few persons were untying rope from a pick-up van and they started fleeing away on seeing the police party. The informant further alleged that one person was apprehended and disclosed his name as Rahul Kumar. He disclosed that the liquor belongs to Om Prakash Singh @ Bhuar. The informant further alleged that the house of Om Prakash Singh was raided and he was arrested from his house. It is alleged that in course of search from the Pickup 407 total 2548.5 liters of illicit liquors were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 27.06.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the police arrested this petitioner while he was going in his Alto car on mere suspicion and allegedly on the statement of the co-accused Rahul Kumar who happened to be the driver of Pickup 407 from which the illicit liquors were recovered, from the vehicle of this petitioner no illicit liquor has been recovered and he has otherwise no criminal antecedent, in connection with this case



he has remained in custody since 27.06.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No.93 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

