

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48727 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- GURUA District- Gaya

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Kundan Kumar S/o Laldeo Mehta @ Laldev Mahto R/o village- Jaipur, P.S.-
Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Gurua P.S. Case No. 149 of 2022 (Excise G.R. No. 833 of 2022)
lodged under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 130
litres wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that from the contents of the F.I.R., it transpires that the
prosecution have made allegation of committing business of
1000 litres of wine but the said recovery could not take place

and subsequently, one seizure list for 90 litres and another seizure list for 40 litres are being prepared.

Learned counsel for the petitioner submits that the said recovery has been made at a public place that is nothing was recovered from the conscious possession of the petitioner. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 13.06.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya in connection with Gurua P.S. Case No. 149 of 2022 (Excise G.R. No. 833 of 2022), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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