

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54872 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- RAGHOPUR District- Supaul

Gandhi Kumar Son of Baijnath Yadav Resident of Village - Ghoghsam, P.S.-
Simri Bakhtiyarpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 26-11-2022 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
Raghopur P.S. Case No. 249 of 2022, lodged under Sections
30(a)/32 (ii) (iii)/36/41/32(i) of Bihar Prohibition and Excise
Act as amended 2018 read with Sections 420, 467, 468, 471
and 120(B) of the Indian Penal Code.

As per the prosecution case, the total recovery of
1390.500 liter of wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel further submits that the alleged recovery was made

from a truck standing there in which driver and khalasi were sitting. He also submits that petitioner was not apprehended from the place of occurrence rather he was arrested upon chase by the police. Learned counsel further submits that antecedent of the petitioner is clean and he is in custody since 23.06.2022 and charge-sheet has already been filed in this case.

Learned A.P.P. 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 Misc. Special Judge, Excise Court No. 2, Supaul in connection with Raghapur P.S. Case No. 249 of 2022 corresponding S. Tr. Excise No. 557 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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