

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69426 of 2021

Arising Out of PS. Case No.-340 Year-2021 Thana- RAMPUR District- Gaya

GUDDU KUMAR Son of Ram Babu Rai Resident of Village - Khajauli,
Police Station - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273, 420 and 120B of the Indian Penal Code and sections 30(a), 33, 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 70 litres of spirit was recovered from the XUV vehicle wherein the petitioner was an occupant. It is further stated that the vehicle was acting as a liner to a truck wherein 1155 litres of spirit was recovered.

It is submitted by learned counsel for the petitioner that no incriminating article as alleged has been recovered from the petitioner's possession or from the vehicle in question and the cause of false implication of the petitioner is his antecedent. He is in custody since 13.10.2021.



The application for bail is opposed by learned APP for the State who submits that the petitioner has three antecedents under the Bihar Prohibition and Excise Act, 2016 as mentioned in paragraph no. 3 of the petition.

Having heard learned counsel for the parties and taking into consideration the antecedents of the petitioner under the Bihar Prohibition and Excise Act, 2016 together with the petitioner having been arrested with the liquor on the spot, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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