

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58636 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Ravi Gupta @ Ravi Kumar Gupta S/o Rajendra Gupta @ Sukla Gupta
Resident of village- Chhit Bhagwatipur, P.S.- Ahiyapur, District- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Advocate
	:	Mr. Shreyash Bhardwaj, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh I, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Excise P.S.
Case No. 426 of 2021 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.09.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 755.88 litres of illicit IMFL liquor/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor was made from an
open field and mere on the basis of suspicion, as petitioner found
running away from the site of recovery, his name surfaced in present



case, as identified by informant. It is further submitted that identification of petitioner by informant is appearing doubtful and non-founded, and as petitioner found involved in 4 more criminal cases he was named in present case also without any connecting evidence. It is also submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from physical possession of this petitioner in the background of doubtful seizure list, let the petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No. 426 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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