

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22338 of 2023

Arising Out of PS. Case No.-1172 Year-2018 Thana- DEHRI TOWN District- Rohtas

BIRENDRA GUPTA SON OF ABHAY KUMAR @ AVAY KUMAR
RESIDENT OF MOHALLA - CHAWAR TAKIYA, Ward No. 13, P.S. -
SASRAM NAGAR, DISTT. - ROHTAS AT SASARAM.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate.

For the Opposite Party/s : Mr.Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Babu Nandan Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Khurshid Anwar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dehri Town P.S. Case No. 1172 of 2018 registered for the
offence punishable under Sections 467, 468, 471, 420 and 120B
of the Indian Penal Code and Sections 30(a), 38(i) (ii) and 41(i)
(ii), 31 and 47 of Bihar Prohibition and Excise Amendment Act,
2018.

3. Prosecution story, in brief, is that the police
intercepted one truck and one pick up van and recovered a total
quantity of 4752 litres and 216 litres of illicit liquor respectively
from the truck and pick up van.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is innocent and he has falsely been implicated in the case. Name of the petitioner has surfaced in the case on the basis of confessional statement of one co-accused. He has no concern with the alleged occurrence. He has also not assaulted any one as alleged in the F.I.R.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Excise-I, Rohtas at Sasaram in connection with Dehri Town P.S. Case No. 1172 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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