

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40362 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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SANJAY KUMAR @ SANJAY KUMAR GUPTA SON OF LATE BINDA
PRASAD RESIDENT OF BELWAR, WARD NO. 7, PS-
RAGHUNATHPUR, DIST- SIWAN, BIHAR- 841504

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Prasad Shrivastav, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mr. Vishal Prasad Shrivastav, learned counsel
for the petitioner and learned APP for the State.

The petitioner is an accused in connection with Rail
Narkatiyaganj P.S. Case No. 35 of 2021 registered for the
offences under sections 30(A) of the Bihar Liquor and Excise
Act lodged on 09.12.2021 by the informant, Pankaj Kumar Das.

The prosecution case, is nutshell is that Informant
Pankaj Kumar Das who is SHO at Railway Police station at
Raxaul on dated-09/12/21. When Informant reached to Bagha
railway station and started checking in the meantime, the train
(Gareeb Rath Express) entered platform. He further alleged that
when police team reached at Berth no- G13, they saw big



‘trolleys’ bags at seat no-61. When question regarding it was asked from person who was sitting on the seat, he gave his name as Ram Kumar and on suspicion when they opened all the trolley bags, found Red Level, Black level and Chivas Regal Whisky. Total 117 bottles (750 ml) was/were seized which comes to 87.75 litres. He gave the names of his associates as Jagdish Sah and Sanjay Gupta (the petitioner herein). Thus the FIR.

Learned Counsel for the petitioner submits that a person was apprehended in the train and from the bag 87.75 litre of foreign liquor was recovered/seized and on his confessional statement, this petitioner was implicated although he had no role to play and do not have criminal antecedent and has already suffered by being in custody since 23.03.2023 (as stated in paragraph 9 of the bail petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in the confessional statement.

Taking into account his period of custody as also that he do not have criminal antecedent and his name has come in the confessional statement, this Court is inclined to extend him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Excise Judge, Bettiah, West Champaran in connection with Rail Narkatiyaganj P.S. Case No. 35 of 2021, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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