

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37879 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- BABUBARHI District- Madhubani

SHIV SHANKAR GUPTA Son of Mahesh Prasad Gupta @ Mahesh Gupta
Resident of Village - Yogia, P.S.- Ladania, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad,Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-06-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with G.R. No. 458/2023 arising out of Babubarhi P.S. Case No. 60 of 2023 dated 21.03.2023 registered for the offences punishable u/ss 272 and 273 read with section 34 of the Indian Penal Code and u/ss 30 (a) and 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, the petitioner and the co-accused person were apprehended with blue colour vehicle from which 1014 litres of illicit Nepali liquor was recovered. The driver



of the said vehicle succeeded to flee away.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the petitioner. He has further submitted that the petitioner is neither the owner nor the driver of the said vehicle. The petitioner has no concern with the alleged recovery of liquor. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 07.04.2023.

Learned A.P.P. for the State has vehemently opposed the prayer of bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Babubarhi P.S. Case No. 60 of 2023 or G. R. No. 458/2023.

The application stands allowed.

(Chandra Prakash Singh, J)

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