

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56468 of 2023**

Arising Out of PS. Case No.-516 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhepura

=====

KRISHNADEV GUPTA SON OF LATE TRIBHUVAN GUPTA @  
TRIBHUVAN PRASAD GUPTA R/O VILL- SURYAGANJ WARD NO 17,  
PS- GAMHARIYA, DIST- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      15-09-2023              Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. On the basis of the secret information, the informant along with police party reached the place of occurrence. After seeing the police party, the accused persons started to flee away, but one female member was arrested and disclosed the name of the petitioner and other co-accused person. On search, 5.040 litres of whiskey, 10 liters Hayward's bears and 6.200 litres of cough seraph was recovered from the house of the apprehended co-accused.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case. He was not apprehended on the spot. He has been made accused in the present case on the basis of the confessional statement of the apprehended co-accused. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Madhepura Excise P.S. Case No. 516 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

**(Anjani Kumar Sharan, J)**

divyanshi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

