

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57083 of 2023

Arising Out of PS. Case No.-495 Year-2023 Thana- GARDANIBAG District- Patna

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SATYENDRA GUPTA S/O LATE BULAKI GUPTA RESDIENT OF
AHINORA, P.S- MOHANIA, DISTT.- BHABHUA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Gardanibagh P.S. Case No. 495 of 2023, Spl. Case No. 5573 of 2023 for the offence punishable under Sections 30(a), 32(2)(3), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act lodged on 11.7.2023 by the informant, Bharti Kumari .

As per the prosecution story, the police has alleged that upon information, a Bus was intercepted near Anisabad, Patna and recovered 761.55 liters of liquor. Both the Driver and the Cleaner were arrested.

The case of the petitioner is that he is the Cleaner, had no knowledge about the presence of the liquor in the Bus which may be of any passenger but has been assigned to him. He is a poor person, has been made to suffer and is in custody since



12.7.2023 (para-17 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner, the recovery is not from his conscious possession as also the fact that he has been in custody since 12.7.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 learned Special Judge, Excise, Patna, in connection with Gardanibagh P.S. Case No. 495 of 2023, Spl. Case No. 5573 of 2023 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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