

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62213 of 2022**

Arising Out of PS. Case No.-107 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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SANJEET KUMAR GUPTA SON OF JAGDISH SAH R/O VILLAGE-
SARISAB PAHI, P.S.- PANDAUL, DITRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with G.O.
Case No. 427 of 2022 (Excise Case No. 107 of 2022) registered
for the offences punishable under Sections 30(a) and 32(3) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 3274.2 litre foreign liquor from an under-construction house.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.09.2022 and bears criminal
antecedent of four cases of similar nature. Petitioner is quite
innocent and has committed no offence as alleged in FIR. He
has been falsely implicated in the present case. No incriminating



article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of the petitioner has been surfaced during the course of investigation as mentioned in Para 10 of Case Diary where it is mentioned that petitioner alongwith land owner Chandra Kishore Gupta are involved in the business of illicit foreign liquor as same is found in impugned order. Seizure list has not been prepared as per the law. There is no compliance of Section 100 of Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** 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 Additional Sessions Judge II cum Special Judge Excise Act, Madhubani in connection with G.O. Case No. 427 of 2022 (Excise Case No. 107 of 2022) , subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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