

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69532 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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RAVI GUPTA @ RAVI KUMAR GUPTA S/O RAJENDRA GUPTA @
SUKLA GUPTA Resident of Village- Chhit Bhagwatipur, P.S.- Ahiyapur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the

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

The petitioner seeks regular bail in
connection with Excise P.S. Case No. 375 of 2021,
(P.R. No. 33 of 2021), registered for the offences
punishable under Sections 30(a) and 32(3) of the
Bihar Prohibition and Excise Act.

The allegation is regarding recovery of
86.400 liters of illicit liquor from one co-accused
person, namely, Ranjit Kumar, who had disclosed
that huge quantity of illicit liquor is being kept in
the hut of the petitioner, whereupon the police had
raided the hut of the petitioner and recovered



1446.270 litres of illicit liquor from the hut of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.09.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in six similar type of cases but he is on bail in all the said criminal cases. It is also submitted by the learned counsel for the petitioner that the petitioner was not present at the spot, hence the possibility of the illicit liquor being planted in the hut of the petitioner cannot be ruled out, especially in view of the fact that he is an accused in similar type of cases.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also considering the bad antecedent of the petitioner, though I am not inclined to grant bail to the petitioner, at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charges by the learned trial Court subject to such conditions as may be deemed fit and appropriate to be imposed by the learned court of Exclusive Special Judge, Excise Court No.2, Muzaffarpur in connection with Excise P.S. Case No. 375 of 2021.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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