

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58923 of 2022**

Arising Out of PS. Case No.-357 Year-2022 Thana- BUXAR MUFFASIL District- Buxar

BISHAL GUPTA @ BISHAL KUMAR @ GOLU GUPTA S/O VIJAY
GUPTA @ VIJAY SAH Resident of village- Banarpur, P.S.- Buxar (Muffasil),
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dimpal Kumari

For the Opposite Party/s : Mr. Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 13-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seek bail in connection with Buxar
(Muffasil) P.S. Case No. 357 of 2022, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation 72 liters liquor has been
recovered from a motorcycle bearing Registration No.
BR44Q6698.

Ld. counsel for the petitioner submits that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that the petitioner has no



concerned with the seized motorcycle and the seized articles which has been recovered on the motorcycle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 15.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on their furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Court of Excise No. 1 Buxar, in connection with Buxar



(Muffasil) P.S. Case No. 357 of 2022, on the following conditions:

(i) The petitioner will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing them and getting satisfied that the petitioner has concealed their criminal antecedents despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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