

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63381 of 2023

Arising Out of PS. Case No.-369 Year-2023 Thana- SITAMARHI District- Sitamarhi

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DIPAK KUMAR SON OF DINESH PRASAD GUPTA RESIDENT OF
VILLAGE- KANHWA, PS- BELA, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Sitamarhi P.S. Case no. 369 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 and section 21(b) of NDPS Act.

3. As per the prosecution case, on being signaled to stop, it is stated that one of the accused on the motorcycle managed to escape but the petitioner was caught. On search 90 litres of liquor was recovered.

4. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the possession of the petitioner. He has no concern with the alleged motorcycle or the alleged liquor said to have been



recovered. He has been falsely implicated in the case because of his antecedents. He is in custody since 7.5.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner has an antecedent under the Bihar Prohibition and Excise Act, 2016.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR according to which the petitioner was caught red handed along with 90 litres of liquor together with the petitioner having a criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

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