

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69894 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- FULKAHA District- Araria

Ravi Kumar Gupta @ Ravi Kumar Sah, S/O Late Krishundeo Gupta @ Late Shivjee Gupta, R/O Village- Nawabganj Manikpur, Ward No. 6, P.S- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Fulkaha P.S. Case No. 10 of 2022, registered for the alleged offences under Sections 30 (a) and 41 (1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police were informed by the informer about a Scorpio vehicle carrying illicit liquor. The said vehicle was intercepted and its driver was apprehended and one person fled away from that vehicle on seeing the police party and the apprehended co-accused disclosed that the escaped person was this petitioner. On search of the vehicle, total 702 liters of India made Nepali liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the disclosure made by the co-accused Navin Kumar. Nothing incriminating has been recovered from the person/possession of this petitioner. The recovery has been shown from the vehicle which does not belong to this petitioner. The said co-accused Navin Kumar, who was apprehended from the spot, has been granted bail by a Coordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No.19112 of 2022. The petitioner is in custody since 14.08.2023.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner is habitual offender and is accused in five other cases of similar nature.

6. Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner, who was not arrested from the spot, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.02, Araria, in connection with Fulkaha Case No. 10 of 2022, subject to the



conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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