

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71631 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- Excise P.S. District- Araria

Ravi Kumar Gupta@ Ravi Gupta @ Ravi Kumar Sah Son Of Late Kishundeo Gupta @ Late Shivjee Prasad gupta Resident Of Village- Nawabganj Fulkaha, Ward No. 6, Ps- Fulkaha, Dist- 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 PARTHA SARTHY
ORAL ORDER

2 07-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Special Case no.5 of 2023 (arising out of Araria Excise P.S. Case no.320 of 2022) registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, on the vehicle in question being stopped for search, it is stated that two accused persons fled away while one of the accused namely Lalan Kumar was arrested. It is further stated that the arrested accused disclosed the petitioner to be amongst the two accused who had fled away. A total of 792 litres of Nepali liquor was recovered.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any



incriminating article recovered from his possession. He has no concern with the vehicle from which the liquor is alleged to have been recovered. The only material against him is the statement of the co-accused made before police. He is in custody since 22.8.2023 and has been falsely implicated in the case because of his antecedents.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the name of the petitioner having transpired in the statement of the co-accused made before police, his being in custody since 22.8.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Special Case no.5 of 2023 (arising out of Araria Excise P.S. Case no.320 of 2022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no.2, Araria.

(Partha Sarthy, J)

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