

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70885 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- VIJAYEPUR District- Gopalganj

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Dippu Kumar Gupta @ Deepu Kumar Gupta Son Of Sugriv Gupta @ Sukh
Dev Gupta @ Sugrim Gupta Resident Of Village- Ranipur, P.S.- Vijaipur,
District- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
Vijaipur P.S. Case No. 247 of 2023 lodged under Sections 30(a)
of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the total recovery of
18.800 liter wine has alleged to be made, which is subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
alleged recovery has been made from a motorcycle and
petitioner was apprehended from the place of occurrence. He
further submits that petitioner is in custody is since 19.08.2023
having one criminal antecedent.



5. Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the possession of the petitioner and there is one criminal case pending against the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge IVth -cum- Special Judge Excise Court No.II, Gopalganj, in connection with Vijaipur P.S. Case No. 247 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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