

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76212 of 2023

Arising Out of PS. Case No.-850 Year-2023 Thana- SASARAM NAGAR District- Rohtas

RAJESH KUMAR GUPTA @ ATTHA @ RAJESH KUMAR S/O VISHNU
MAHTO @ SUDHIR MAHTO VILLAGE- PREMCHAND PATH
(PUNJABI MOHALLA), GAURAKSHINI, PS. SASARAM (T), DIST.
ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with Excise Case No. 310 of 2021 arising out of Sasaram (T) P.S. No. 850 of 2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery of total 111.6 litre foreign liquor from Honda motorcycle and tempo in question and petitioner is alleged to be driver of the said motorcycle and apprehended on spot. Petitioner disclosed the name of the driver of tempo and persons sitting on the seized motorcycle and tempo in question who fled away from the place of occurrence.

4.Learned counsel for the petitioner submits that petitioner is in custody since 14.09.2023 and bears no criminal antecedent.



Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no knowledge regarding alleged recovered liquor. He further submits that petitioner is not the owner of any of the vehicles in question. He further submits that petitioner has nothing to do with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Excise Case No. 310 of 2021 arising out of Sasaram (T) P.S. No. 850 of 2023 ,subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in



bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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