

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5032 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- DARIHAT District- Rohtas

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DABLU KUMAR GUPTA SON OF VISHWANATH SAH Resident of
Village - Bhaluari, P.S. - Dehri (Indrapuri O.P.), District – Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Darihat P.S. Case No. 139/2023 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per prosecution case, there is alleged recovery
of 249 liters foreign liquor from Bolero Pick-up vehicle in
question and apprehended co-accused Upendra Singh (driver)
and Salim Ansari (co-driver) disclosed the name of the
petitioner who was involved in supplying the illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 25.08.2023 and bears criminal antecedent of two cases and in both cases he is on bail. He further submits that the petitioner was neither concerned with the said vehicle nor was concerned with the seized liquor. He further submits that there is no compliance of Section 100 Cr.P.C. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Darihat P.S. Case No. 139/2023,



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)

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