

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26939 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- Excise P.S. District- Nawada

Deepak Kumar Gupta, aged about 27 years, Male, Son of Late Pradip Prasad Gupta, Resident of Village – Akbarpur, P.S. Akbarpur District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 152 of 2024 instituted for the offences punishable under Sections 30(a) and 56 (2) (ii) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 49.500 liters of foreign liquor has been recovered from a motorcycle bearing registration no. BR0IPE-1254.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case only on the basis of suspicion. Petitioner has no concern with the alleged liquor and nothing



has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petitioner is in custody since 03.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Excise Court-2 Nawada dated 07.03.2024, it appears that the petitioner has implicated in this case on the basis of suspicion, petition is the driver of the vehicle and no independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with Excise P.S. Case No. 152 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the



proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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