

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44079 of 2024

Arising Out of PS. Case No.-449 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Ravi Kumar Gupta @ Ravi Gupta, aged about 36 years, Gender- Male, S/O
Rajendra Sah @ Sukla Gupta, resident of village- Chhit Bhagwatipur,
Chandwara, P.S. Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Excise PS Case No.449 of 2024 dated 08.03.2024, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the informant
got secret information that the petitioner was storing illegal
foreign liquor in a temporary hut situated at Chandwar Chhit
Bhagwatipur. Upon such information, the informant reached the
place of occurrence and on seeing the police party, one person
started fleeing away; he was chased but succeeded in fleeing
away taking advantage of darkness. On search, total 302.400
litres of illicit foreign liquor was recovered from the place of



occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the police got secret informant about the illegal work of the petitioner on 07.02.2024, but the police raided the place of occurrence on 08.03.2024 after about one month. Nothing has been recovered either from conscious possession or from the house of the petitioner. The recovery has been made from Chandwar Chhit Bhagwatipur, Muzaffarpur, and the petitioner has no concern with that place. Lastly, it is submitted that the petitioner has four criminal cases pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Court No. II, Muzaffarpur, in Excise PS Case No.449 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and



further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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