

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4327 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- MADHEPURA District- Madhepura

Raushan Kumar Gupta @ Raushan Kumar S/O LATE UPENDRA PRASAD
GUPTA R/O VILLAGE- SUPAUL WARD NO. 26, P.S. -SUPAUL, DIST.
SUPAUL.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard Mr. Uday Chand Prasad and the State.

2. The petitioner is in custody in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 965 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018, lodged on 19.09.2023 by the informant, Mahesh Ram.

3. As per the prosecution story, on secret information/patrolling Scorpio vehicle was intercepted and those sitting in it were apprehended. 141.3 liters of foreign liquor was recovered while the accused were taken into custody, petitioner being one of them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the Scorpio does not belong to him, he was a mere passenger, had



taken the same as a taxi, little realizing that there was liquor present in the vehicle. Has already suffered being in custody since 20.09.2023 (para 4 of the petition).

5. Learned APP opposes the prayer for bail.

6. Considering the submission put forward by the parties as also the period of custody (since 20.09.2023), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge Vth cum Special Judge, Excise Act, 1st, Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 965 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for one year to mark his attendance;

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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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