

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53669 of 2025

Arising Out of PS. Case No.-300 Year-2025 Thana- Excise P.S. District- Sitamarhi

Gupesh Kumar Gupta @ Mantu Sah Son of Sonelal Sah Resident of Village-
Mohinin Mandal, P.S.- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Prohibition P.S. Sitamarhi Case No. 300 of 2025 instituted for
the offences under Sections 30(a)/32(3) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, the police has recovered
total 141 liters of illicit Nepali liquor from two motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to local politics and in connivance of the co-accused and
local *Choukidar* as well as the local politics. He further submits



that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that as a matter of fact, the petitioner was not apprehended from the place of occurrence rather has been implicated in the present case only on the basis of his criminal antecedents. The petitioner is neither driver nor owner of the alleged two motorcycles. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has nine criminal antecedents and is languishing in judicial custody since 16.05.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Prohibition P.S. Sitamarhi Case No. 300 of 2025, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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