

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81259 of 2024

Arising out of PS. Case No.-113 Year-2024 Thana- EXCISE PIRO District- Bhojpur

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Anil Gupta @ Anil Kumar Gupta S/o- Gauri Shankar Sah Resident of Bad
P.S- Karakat, Dist- Rohtas Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

Mr. Ravindra Kumar, Advocate

For the Opposite Party/s: Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 10-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Excise
Piro P.S. Case No. 113 of 2024 instituted for the offences under
Sections 30(a)(c)(d) and 36 of Bihar Prohibition and Excise
Amendment Act, 2018.

3. The prosecution case is that 4881.70 litres of Indian
Made Foreign Liquor along with 760 litres of spirit was recov-
ered from the under constructed house which belongs to one
Chandan Singh. It was one Aurnesh Kumar Madhukar @
Arunesh Kumar @ Madhukar @ Giddi @ Bablu who was ap-
prehended with the aforesaid consignment has stated in his
statement that they used to sell liquor and they were indulged in
selling of business of liquor and consignment was sold to Anil
Gupta @ Anil Kumar Gupta (Petitioner).



4. It is submitted by learned counsel for the petitioner that neither the building nor the recovered liquor belongs to the petitioner nor the same was seized from his conscious possession. It is further submitted that one co-accused person namely Arunesh Kumar Madhukar @ Arunesh Kumar @ Madhukar @ Giddi @ Bablu *vide* order dated 24.01.2025 passed in Cr. Misc. No. 85818 of 2024 and another co-accused person namely Bigan @ Bigan @ Ashok Kumar *vide* order dated 22.11.2024 passed in Cr. Misc. No. 75089 of 2024 have been granted bail by a Co- ordinate Bench of this Court. It is lastly submitted that the petitioner is in custody since 10.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner submitting that the name of the petitioner has come in the confessional statement of the co-accused namely Arunesh Kumar Madhukar @ Arunesh Kumar @ Madhukar @ Giddi @ Bablu who has accepted the guilt that he used to sell liquor and the same was being sold to the petitioner and one Sudhir Kumar.

6. Considering the aforesaid submissions of learned counsel for the petitioner, it is being taken note of the fact that neither recovery has been made from the house of the petitioner nor from the conscious possession of the petitioner and the peti-



tioner is in custody since 10.09.2024, the petitioner, above-named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-II, Bhojpur at Ara in connection with Excise Piro P.S. Case No. 113 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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