

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88367 of 2024

Arising Out of PS. Case No.-578 Year-2024 Thana- MASHRAK District- Saran

Mahesh Gupta S/o- Late Motilal Gupta Vill- Bhinda Mishra (Ahirauli bhagal), P.S- Bhatpur Rani, District - Deoriya (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mashrakh P.S. Case No. 578/2024 dated 16.10.2024 registered for the offences punishable u/ss 30(a), 33, 34(a)(b)(iii), 37(a)(b), 47 of the Bihar Prohibition and Excise Act and Sections 123, 105, 110, 61(2) read with Section 3(5) of the B.N.S.

3. As per the prosecution case, one Islamuddin Ansari was died due to consumption of poisonous liquor. It is further alleged that the petitioner and the other co-accused persons are involved in the business of illicit liquor.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The



name of the petitioner has sprung up in the confessional statement of the co-accused, Deepak Kumar Chaudhary. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has three antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 21.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner is involved in the business of illicit liquor. As per the seizure list, 5 litres of spirit was recovered from the house of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Mashrak P.S. Case No. 578/2024 with the conditions:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without



reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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