

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38565 of 2013

Arising Out of PS.Case No. -244 Year- 2013 Thana -SITAMARHI District- SITAMARHI

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Sanjay Gupta @ Sanjay Kumar Gupta, Son Of Late Swami Nath Gupta,
Resident Of Mohalla Koat Bazar, Ward No. 15, Sitamarhi Town, P.S-
Sitamarhi (Town), District - Sitamarhi

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. M.Dayal (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 09-04-2015 The petitioner figured as an accused in Sitamarhi P.S.

Case No.244 of 2013, wherein offence punishable under Sections
467,468, 471, 420 and 120B of the Indian Penal Code and Section
47A of the Excise Act was alleged.

Apprehending arrest, the petitioner filed A.B.P. No.936
of 2013 in the court of the Sessions Judge, Sitamarhi. The same
was dismissed on 21.8.2013. Hence, this application for grant of
anticipatory bail under Section 438 of Cr.P.C.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The allegation against the petitioner is that he carried
more quantity of spirit than permissible limit in the tanker.
However, there is no allegation of theft or misappropriation.

Further, one of the co-accused, namely Satyendra Kumar Pathak @ Satyendra Pathak, was granted anticipatory bail by this Court in Cr.Misc. No.23293 of 2013, through order dated 29.8.2013. This application is allowed.

In the event of arrest, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No.244 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(L. Narasimha Reddy,CJ)

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