

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27526 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- HARSIDHI District- East Champaran

VIVEK KUMAR GUPTA Son of Lalbabu Prasad Gupta @ Parmashankar Prasad Resident of Village - Boring Chauk, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar,Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Harshidhi P.S. Case No. 353 of 209 registered for the offences punishable under Sections 272, 273, 420, 308, 188/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution story on secret information police went in village where truck owner and driver fled away on seeing the police party. It is further alleged that on search police recovered illicit liquor from the truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that nothing has been recovered



from the conscious possession of the petitioner. The petitioner has got no criminal antecedent. It is further submitted that the petitioner has no concern with the truck in question.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is named amongst nine accused persons but in course of investigation no independent witness has made statement disclosing the name of the petitioner as person involved in the alleged trade of liquor, the vehicle in question is not that of the petitioner and from the diary it appears that the investigation against the owner and driver of the vehicle in question is still pending, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Harshidhi P.S. Case No. 353 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge Excise, East Champaran, Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

