

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7231 of 2021**

Arising Out of PS. Case No.-367 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SURAJ GUPTA @ SURAJ KUMAR GUPTA SON OF RAM KESHVAR
SAH @ AKLU SAH RESIDENT OF MOHALLA - GOLA BANDH ROAD,
RAJENDRA MARGE WARD 18, P.S.- TOWN, DISTT.- MUZAFFARPUR
P/A- VILLAGE- CHHAPRA MEGHA, P.S.- MUSHAHARI, DISTT.-
MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned Counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Town P.S. Case No. 367/2020 registered

for the offences punishable under Sections 414/34 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

As per the prosecution story, one Rajpat Kumar

posted as sub-inspector of police at Town P.S. on 22.06.2020



submitted a written report before the officer in-charge of Town P.S. stating therein that he had gone for raid in connection with some cases of liquor traders at 3.45 am where he got information that Suraj Gupta (the petitioner) is about to bring liquor upon which he along with other police personnel reached at Banarash Chak. It is further alleged that on search of a Scorpio vehicle total 475.17 liters of illicit liquor was recovered and driver of the said Scorpio disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and the Scorpio from which the recovery was made does not belong to this petitioner. It is submitted that prior to the present case the petitioner had no criminal antecedent and he is in judicial custody in connection with this case since 24.09.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, he was not



present in the vehicle in which illicit liquor were kept and were seized by the police, the allegation has come that this petitioner was escorting the said vehicle but such allegations are only false and have been made only to implicate this petitioner in this case, the petitioner has remained in jail in connection with this case since 24.09.2020, investigation against him is complete and prior to the present case he had no criminal antecedent and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Town P.S. Case No.367/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly



make and 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 or tamper with the evidence.

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 stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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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'.

