

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21067 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- SURSAND District- Sitamarhi

Suraj Kumar Gupta Son Of Ram Babu Sah @ Ram Babu Sah Gupta @ Ram Babu Gupta R/O Village- Jaitpur, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Smiti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Miss Smiti learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Sursand (Bhithha O.P) P.S.Case No. 28 of 2022 for the offences punishable under Sections 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police in a vehicle checking apprehended this petitioner, who was riding on a motorcycle and on search being



made , 2.25 liters of illicit Nepali Sofi wine was recovered from Bag. It is further alleged that the motorcycle was said to be stolen vehicle.

It is submitted by the learned counsel for the petitioner that in fact nothing has been recovered from person or possession of this petitioner. However, only on account of the fact that he was riding on motorcycle which belongs to his friend and since he could not produced paper of the motorcycle, he implicated in this case. It is next submitted that petitioner is in custody since 14.01.2022 having clean antecedent, apart from the fact that investigation has already been completed and the charge sheet has been submitted. It is also submitted that as the motorcycle belongs to the friend of the petitioner, no case under section 414 of the Cr.P.C is made out.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged motorcycle belongs to the friend of the petitioner and moreover, he is in custody since 14.01.2021 having fair



antecedent, apart from the fact that charge sheet has already been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, Sitamarhi in connection with Sursand P.S.Case No 28 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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