

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40410 of 2022**

Arising Out of PS. Case No.-320 Year-2019 Thana- HUSSAINGANJ District- Siwan

Ajay Kumar Gupta, Son Of Baij Nath Prasad Gupta R/O Ward No.-8
Madhuban Marg Near Krishi Mandi Belthara Road, Ballia, P.S.- Ubhav,
District- Ballia (U.P.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 272
and 273 of the I.P.C. and Sections 30(a), 38(i) and 41(i) of the
Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 336.960 litres of liquor from a pick-up vehicle.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that alleged vehicle is a commercial vehicle and though



petitioner is owner of the alleged vehicle, but the same was stolen prior to the occurrence for which an F.I.R. came to be instituted as would be evident from Annexure-2 to the bail application.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hussainganj P. S. Case No.320 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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