

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54157 of 2021**

Arising Out of PS. Case No.-353 Year-2021 Thana- SASARAM NAGAR District- Rohtas

RAJESH GUPTA @ MANTU GUPTA S/o- Nemchand Gupta @ Nemchand
Prasad R/o Village- Karan Saray, P.S.- Sasaram Nagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sasaram Town
P.S. Case No. 353 of 2021 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018 and 25(1-b)a, 26 of the Arms Act.

There is recovery of 38.75 litres of foreign liquor as
well as firearms from the house as well as shop of the petitioner.

Learned counsel for the petitioner submits that
petitioner has committed no offence and he has falsely been



implicated in the present case. It appears from the FIR as well as seizure list that total 11 pieces of live cartridge, 44 pieces of empty cartridge and one double barrel gun besides 38.75 litres of illicit liquor were recovered from the house as well as shop of the petitioner. Petitioner is in custody since 03.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 Additional Sessions Judge-II cum Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 353 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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