

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56572 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. SALLU GUPTA, Son of Suresh Chandra Gupta, Resident of House No. B-693, Mayur Vihar, Phase - 3, Garholi Diary Firm, P.S. - Gajipur, District - East Delhi.
 2. Anil Kumar, Son of Chabbu, Resident of Village - Bhikhari Khurd, Semri Kala, P.S. - Tarbganj, District - Gonda (Uttar Pradesh), PIN Code - 271402.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kuma, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Excise Case No. 171 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016. They are in custody since 21.07.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, the excise officials on the basis of secret information spotted a vehicle bearing registration number UP76AC-3001 and on search of the vehicle the petitioners were found present



in the same and recovered 134.28 liters from the same.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have got no criminal antecedent and they are in custody in connection with this case since 21.07.2021.

Learned counsel submits that the petitioner no. 1 was on test driver of the vehicle in order to purchase the same and he was not knowing about the liquor kept in the vehicle. It is submitted that the petitioner no. 2 was companion of petitioner no. 1.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that petitioner no. 1 had got possession of the vehicle in question under an oral agreement to purchase the same from the original owner and then the was found in the vehicle carrying 134 litres of liquor, this Court is not inclined to release the petitioner no. 1 on bail at this stage.

Let the trial be expedited.

If the trial still remains unconcluded for no reason attributable to the petitioner no. 1 within six months from the date of communication of this order, he may renew his prayer for bail.

So far as petitioner no. 2 is concerned, he is said to be a mere companion of petitioner no. 1 who was present in the vehicle and he has remained in custody since 21.07.2021, he has otherwise



no criminal antecedent and his presence may be secured in course of trial, this Court directs that the petitioner no. 2 above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -cum- Special Judge, Excise, Saran at Chapra in connection with Excise Case No. 171 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner no. 2. 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.

Learned counsel for the petitioners submits that the petitioner no. 2 shall make all endeavour to provide one local bailor but in any case he will definitely provide one close relative as bailor.

(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'.

