

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46898 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Chandan Kumar Gupta @ Chandan Kumar @ Chandan Gupta Son Of Ganesh
Sah R/O Village- Pipra Kothi, P.S.- Pipra Kothi, District- East Champaran
(Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate.
For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Motipur P.S. Case No. 187 of 2021, for the
offences punishable under Sections 272, 273, 467, 468 and
120B/34 of the Indian Penal Code and Sections 30(a) and 41(1)
(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation against the petitioner is to be engaged in
trafficking of illicit wine, the police in course of patrolling duty
intercepted a truck, which was found standing at Chandigarh



Punjab and Haryana Dhaba and on search total 5940 litres of spirit was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the Chandigarh Punjab and Haryana Dhaba nor with the truck, in question, or with the illicit spirit, from where the entire recovery has been made. He further submits that only on account of past criminal antecedent of the petitioner, his name is being continuously implicated in various other cases and the present case is also an example of the same. He next submits that save and except the suspicion and criminal antecedent, there is no material suggesting the complicity of the petitioner in the present crime. He lastly submits that the petitioner is in custody since 10.05.2022 and now the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the Chandigarh Punjab and Haryana Dhaba nor with the truck, in question, or with the illicit spirit, and moreover there is no material on record suggesting the



complicity of the petitioner in the alleged crime and now the investigation of the crime is complete and charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no further purpose and moreover the criminal antecedent of a person cannot be a sole ground to keep him behind the bar for indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court No.-II, Muzzafarpur, in connection with Motipur P.S. Case No. 187 of 2021, 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.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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