

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69837 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- MUSAHARI District- Muzaffarpur

SURAJ GUPTA Son of Atul Gupta R/v- Gola Bandh Road, P.S.- Town,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate,
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code read with Sections 30(a), 36 and 41 of the Bihar Excise Act.

Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation is of recovery of 4374.360 litres liquor from a truck.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated at the instance of officials of Excise Department with a view to save the real culprits as it is easy to implicate someone



who has got criminal antecedents, it is also submitted that petitioner is neither the owner nor the driver of the alleged seized truck.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mushahari P.S. Case No. 167 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify his criminal antecedent and if it is found that the petitioner has antecedent of more than three case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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