

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72275 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Suraj Gupta, S/O Atul Gupta @ Aklu Sah R/V- Gola Bandh Road, P.S.- Town,
District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha
For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 41(i), 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner has antecedent of four cases and the allegation is of recovery of 3.75 litres of liquor from four accused persons from Jangali Mai Sthan and 8.64 litres of liquor from Suraj Gupta's three storey building.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that the apprehended accused disclosed the name of this petitioner in



confessional statement in police custody which does not have any evidentiary value.

Learned A.P.P. opposes the 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Town (Sikandarpur O.P.) P. S. Case No.259 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has more than four criminal antecedent, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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