

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71801 of 2022**

Arising Out of PS. Case No.-16 Year-2022 Thana- MITHANPURA District- Muzaffarpur

SURAJ GUPTA @ SURAJ KUMAR Son of Atul Gupta @ Aklu Sah R/o
vill.- Gola Bandh Road, P.S.- Town, Distt.- 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 : Ms. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that petitioner has antecedent of four cases and allegation is of recovery of 1168.470 litres liquor from an orchard of Aahuti Rani Das.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large, it



is also submitted that the petitioner came to be implicated by anonymous independent witnesses and local people and it appears that police got him implicated in the case because of his antecedents.

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. 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/successor court in connection with Mithanpura P.S. Case No. 16 of 2022 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 antecedents and if it is found that the petitioner has antecedent of more than four cases, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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