

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40978 of 2023**

Arising Out of PS. Case No.-58 Year-2021 Thana- CHANDAN District- Banka

Shivjee Gupta, Son Of Late Anant Sah Village- Dina Pahalwan Akhada Chas
Ps- Bokaro Dist- Jharkhand

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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

2 04-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a)(g), and 32(2) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 300 litres of liquor from a Tata Magic.

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 petitioner, being owner of the seized vehicle, came to be implicated. It is further submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated, when admittedly petitioner is a person with clean antecedent.

Learned A.P.P. opposes the bail application and submits



that from perusal of the order, it would manifest that the same records that petitioner has antecedent of two cases.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II, Banka in connection with Chandan P. S. Case No.58 of 2021, 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 antecedent, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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