

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45958 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- ARA NAWADA District- Bhojpur

SHUBHAM KUMAR GUPTA S/O LAKSHMAN KUMAR GUPTA R/O
MOHALLA- PAKARI, PS. ARA NAWADA, DIST. BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 285 and 286 of the Indian Penal Code, Section 30(a) of the Bihar Excise Act and Section 4 of the Explosive Substance Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 69 kg of fire crackers from the staircase of the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner had got license for selling crackers and



the left over cracker was kept in the house.

5. The learned counsel submits for the petitioner submits that no doubt the petitioner ought not to have kept the crackers in the house after a period of license was over but then it is not a case under the purview of Explosive Substances Act.

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

7. 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 trial court 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ara Nawada P.S. Case No. 142 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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