

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60895 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- RAJNAGAR District- Madhubani

Sanjeet Kumar Gupta, Son of Jagdish Sah, Resident of Village- Sarisab Pahi,
P.S- Pandaul, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Rajnagar
P.S. Case No.206 of 2022, corresponding to G.R. No.1296 of
2022 registered for the offence punishable under Sections 272,
273, 34 of the Indian Penal Code and Sections 30(a), 41(i) of the
Bihar Prohibition and Excise Act.

243 litres *Nepali* liquor has been recovered from a
vehicle. Petitioner's implication is based on confessional
statement of one of the passengers of the vehicle.

It is submitted that the petitioner was not arrested at
the spot from where recovery is being made. There is no



recovery of illicit liquor from him and merely based on statement of co-accused and on account of his antecedents in four cases, as per disclosure made in paragraph 3 of the bail petition, he is in custody since 05.09.2022. He is also on bail in three, out of four cases pending against him.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and recovery is not from his conscious possession as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, District-Madhubani, in connection with Rajnagar P.S. Case No.206 of 2022, corresponding to G.R. No.1296 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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