

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61181 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KHUTAUNA District- Madhubani

Santosh Gupta Son Of Upendra Gupta @ Upendra Sah Resident Of Village-
Hudra, Ps- Khutauna, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 79 of 2023, F.I.R. dated 07.07.2023
registered for the offences punishable under Sections 272,273
of IPC and Section 30(a) of Bihar Prohibition and Excise Act,
2018.

3. Recovery is of 162 liters of Nepali liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. He further submits that from perusal of the FIR as
well as the seizure list it transpires that no recovery has been
made from the conscious possession of the petitioner
rather recovery has been made from the vehicle in question and



petitioner is neither the owner nor the driver of the vehicle in question and he has no concern with the vehicle in question. Name of the petitioner transpires on the basis of confessional statement of co-accused Ram Narayan Ram and except the aforesaid no material is there against the petitioner. The petitioner is in custody since 06.08.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, 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 learned Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Khutauna P.S. Case No. 79 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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