

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75268 of 2023

Arising Out of PS. Case No.-1539 Year-2023 Thana- Excise P.S. District- Gaya

SAURABH KUMAR Son of Sulendra Gupta R/o Mohalla - Jai Prakash
Nagar, P.S. - Jakkanpur, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 1539/2023 registered for the offences punishable
under Sections 30A and 56 (b) of the Bihar Excise and
Prohibition Act.

3. As per prosecution case, there was alleged recovery
of 79.500 litre foreign liquor from Hyundai Xcent Car in
question and petitioner along with other apprehended on the
spot.

4. Learned counsel for the petitioner submits that the
petitioner bears no criminal antecedent. He further submits that
petitioner is not the owner of the vehicle in question and he has
nothing to do with the alleged recovery. It is further submitted



that the petitioner is in custody since 29.08.2023. Petitioner has no knowledge about the alleged liquor that has been kept in the vehicle in question. In the light of the given facts and circumstances of the case, no offence is made out against the petitioner under the Bihar Excise and Prohibition Act. It is further submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SPL Judge Excise No. 3, Gaya in connection with Excise P.S. Case No. 1539/2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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