

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69608 of 2023

Arising Out of PS. Case No.-136 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Babulal Gupta, Son of Churaman Singh R/o D 83, Bhagya Bihar, Habas, P.S.
- North West Delhi, Distt. - New Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sadar P.S. Case No.136/2021 lodged on 26.03.2021 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution case, the total recovery of
2202 liters of foreign liquor is the subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence.
Admittedly, the petitioner is the owner of the truck from which
the alleged recovery has been made. The petitioner earlier
moved before this Court for anticipatory bail and upon rejection,
he immediately surrendered and then moved for regular bail. He



further submits that he is a resident of Delhi and he has provided his truck to the second party, namely, Amarjeet with whom he has prepared an agreement that after 12.03.2021, said Amarjeet shall be liable for any act for running of the truck. He further submits that the alleged occurrence took place after 12.03.2021 and the present FIR has been lodged on 26.03.2021. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has already handed over his truck to said Amarjeet and now if any wrong is being done from the truck, the petitioner should not be held liable. The petitioner is in custody since 15.07.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that from Annexure-2 of the bail application it transpires that the present petitioner has entered into the agreement with one Amarjeet and after 12.03.2021, he handed over the said truck to him.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-1(Excise Act), Darbhanga, in connection with Sadar P.S. Case



No.136/2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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