

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71444 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- BARGAINIA District- Sitamarhi

Baiju Gupta, (M), aged about 34 years, S/o- Bhulan Sah and is permanent resident of Village- Basahiya Shaikh, Ward No-15, P.S.- Piprahi, Dist- Sheohar and is presently residing at 588-BLK-P4, Sultanpur Road, P.S.- Sultanpur, Dist- New Delhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saket Anand, Advocate
For the Opposite Party : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bairagainia P.S. Case No. 245 of 2023 dated 16.10.2023 registered for the offence punishable under Section 30(a)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 431.4 litres of illicit Nepali country Saufi liquor was recovered from two motorcycles in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is further submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case only because the petitioner is the registered owner of one of the seized Hero Honda Black Colour Motorcycles bearing Engine No. HA10EDBGL74837 and Chassis No. MBLHA10EW8GL34745. It is further submitted that the said motorcycle was given by the petitioner to his co-villager for his personal use. It is further submitted that the petitioner has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Guddu Yadav @ Guddu Kumar has already been granted anticipatory by a Bench of this Court vide Cr. Misc. No. 7848 of 2024 under order dated 21.02.2024 and the other co-accused Shyam Babu @ Shyam babu Rai @ Shyam Babu Yadav @ Shyama Babu Yadav has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 11086 of 2024 under order dated 27.02.2024, annexed as Annexures-P/2 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi/concerned court and to the satisfaction of the same in connection with Bairagainia P.S. Case No. 245 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

