

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27764 of 2025

Arising Out of PS. Case No.-130 Year-2021 Thana- BAHERI District- Darbhanga

Sonelal Gupta Son of Late Biswanath Gupta Resident of Vill- 98/1,
Vidyasagar Road, Ward No. 05, P.S.- Budge Budge, District- South 24
Pargana, Kolkata (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act in connection
with Baheri P.S. Case No.130 of 2021.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 1377 liters of liquor from a truck and 135 liters of
liquor from a Scorpio, in total 1512 liters.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and he came to be implicated based on the fact that
he is owner of one of the said vehicle bearing registration



no.WB20G-5853. Learned counsel for the petitioner further submits that petitioner is not named in the FIR.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner that the petitioner is not named in the FIR, but he has been subsequently implicated because the petitioner happens to be the owner of one of the said vehicle bearing registration no.WB20G-5853. Nothing has been recovered from the conscious possession of the petitioner. The search and seizure memo also does not bear the signature of two independent witnesses, which puts a question mark on the legality and validity of the seizure list. The petitioner claims to be having clean antecedent. Under such circumstances, the petitioner is inclined to extend the privilege of anticipatory bail.

7. Accordingly, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, First (Excise Act), Darbhanga in connection with Baheri P.S. Case



No.130 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C./Section 482(2) of the Bhartiya
Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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