

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77791 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Chotelal Gupta S/o Amarjit Sah R/o Village- Kala Matihaniya, P.S.-
Vishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 06-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Vishambharpur P.S. Case No. 89 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the petitioner was apprehended with 26.400 liters of country-made foreign liquor.

4. The learned counsel for the petitioner submits that earlier the petitioner was granted bail by the learned Trial Court, however, on account of non-declaration of criminal antecedents, his bail bond was cancelled. He

further submits that no incriminating article has been recovered from his conscious possession and that the petitioner has two criminal antecedents, which he has declared in paragraph no. 3 of the present application. The learned counsel lastly submits that he is in custody since 24.05.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 24.05.2025, 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 the learned court below where the case is pending/successor court in connection Vishambharpur P.S. Case No. 89 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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