

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s).11952/2024

(Arising out of impugned final judgment and order dated 25-07-2024 in CRLM No.51479/2024 passed by the High Court Of Judicature At Patna)

VIKASH KUMAR GUPTA

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA No.197324/2024 - EXEMPTION FROM FILING O.T.)

Date : 11-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kumar Gaurav, Adv.
Mr. Tom Joseph, AOR

For Respondent(s) Mr. Rishi K Awasthi, Adv.
Mr. Piyush Vatsa, Adv.
Mr. Rahul Kumar Gupta, Adv.
Mr. Punit Vinay, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner is named as one of the accused in FIR No.180/2024 lodged under Section 30(a) of the Bihar Prohibition and Excise Amendment Act. The allegations are that around 231.6 liters of country-made and foreign liquor was recovered from three motorcycles. The petitioner was driving one of them. The petitioner was arrested on 14.06.2024. The petitioner applied for bail, which was declined by the Trial Court. He then approached the High Court and vide impugned order dated 25.07.2024, the High Court though has directed him to be released on bail subject to furnishing bail

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bonds etc., but a further condition has been imposed to the effect that "the petitioner shall furnish his bail bonds after completion of six months in custody from today".

2. Heard learned counsel for the parties.

3. We see no valid reason for the High Court to impose the condition as contained in paragraph 7 of the impugned order whereby the bail bonds will have to be furnished by the petitioner after completion of six months in custody from the date of the High Court order.

4. Consequently, the instant petition is allowed and paragraph 7 of the High Court order is set aside. The Trial Court is directed to release the petitioner on bail forthwith on furnishing bail bonds to its satisfaction. In addition to the conditions imposed by the Trial Court, it is directed that:

(i) The petitioner shall remain present in Court on each and every date of hearing.

(ii) Since the petitioner has a track record of his involvement in cases under the Excise Act, it is directed that in case the petitioner is found involved in such like cases in future, it shall be taken as a misuse of the concession of bail.

5. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR