

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45601 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
AURANGABAD

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Rajesh Kumar Gupta Son of Vishwanath Prasad resident of
Village/Mohalla- Barah Pathar, Police Station- Dehri (T), District- Rohtas,
Sasaram.

.... Petitioner

Versus

1. The State of Bihar
2. Inspector Excise, Sadar Area, Aurangabad.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate.
For the State : Mr. Damodar Prasad Tiwari, APP.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 30-01-2017 The opposite party no.2 is personally present. His
personal appearance is now dispensed with.

Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with G.R. Case No. 09 of 2016
for the offences punishable under sections 58 (C) and 20 (b) of the
N.D.P.S. Act and section 47 (A) of the Bihar Excise Amendment
Act, 2016.

Allegedly, in a joint operation under the supervision
of the Excise Superintendent, Excise officials, Aurangabad,



Rohtas and Barun Honda GXI Model Car No. DL-3C-4K-8142 was caught and the business man and his associates fled away leaving the vehicle and from the car total 189.00 kg. Ganja, foreign liquor 1.875 liters and Adhar Card were recovered and seized. Adhar Card was in the name of Ranjeet Kumar Pandey, accused no.1.

Submission on behalf of the petitioner is of false implication and that he is not the owner of the seized car, he was not present in the car or near the place of occurrence, he has no concern with the seized articles and nothing has been recovered, the petitioner is a simple businessman and has got no criminal history, as a matter of fact Misc. Case No. 176 (M) of 2016 has been filed against the A.S.I. of Excise, District- Rohtas and the said A.S.I. has sold his Tata Safari Car to the petitioner on 22.02.2016 and after purchase of the Car the A.S.I. was giving pressure to give more money than the agreement and on refusal under a conspiracy he has managed to mention the name of the petitioner in this case falsely and as such the petitioner deserves sympathetic consideration.

Sri Damodar Prasad Tiwari, the learned A.P.P. on the other hand submits that huge quantity of Ganja and other things have been recovered from the Car which was left by the accused



persons. The learned APP is not in a position to say as to how the name of the petitioner has transpired.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Aurangabad in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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