

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22192 of 2017

Arising Out of PS.Case No. -112 Year- 2017 Thana -KHAZANIHAT District- PURNIA

=====

Raj Kumar Gupta, S/o Dilip Prasad Gupta, Resident of Village- Ramnagar,
P.S.- K. Hat Maranga, District- Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.

Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 13-07-2017 Heard Sri N.K.Agrawal, learned senior counsel

assisted by Sri D.N.Tiwary, learned counsel for the petitioner and

Sri Awadhesh Kumar Singh, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in K. Hat
(Sahayak) P.S. Case No. 112 of 2017 registered for offence under
Sections 272, 273 of the Indian Penal Code and Section 30(A) of
the Bihar Prohibition and Excise Act, 2016, has prayed for grant
of anticipatory bail.

Earlier, by order dated 31-05-2017, a Bench of this
Court had already directed that no coercive step shall be taken
against the petitioner and case diary was called for.

Sri Agrawal, learned senior counsel submits that the
step brother of the petitioner namely Rahul Kumar, who was



earlier arrested with two bottles of Indian make foreign liquor and was admittedly in inimical term, disclosed the name of petitioner as if petitioner was supplying the same and thereafter, an illegal and unauthorized raid was conducted in the premises of the petitioner in the night by the police officer without any search warrant. However, even during the search, nothing was recovered from the premises of the petitioner, but from the courtyard, which was in the possession of the step brother of the petitioner, recovery of huge quantity of foreign liquor was shown. He further submits that in the seizure list, none of the family member of the petitioner was shown as witness, whereas, the seizure list was signed by the accused Rahul Kumar, who was already in police custody. He submits that in the case diary, save and except this material, there was no other material.

Learned Addl. Public Prosecutor was also not in a position to satisfy the Court from the materials in the case diary about direct accusation against the petitioner in the case.

Considering the fact that petitioner has already been extended interim protection as well as the fact that there is no specific accusation against the petitioner and nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Raj Kumar Gupta be



enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 112 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

Anay

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

