

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63412 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -MAGADH UNIVERSITY District- GAYA

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Sanni Gupta @ Golu S/o Sri Uday Prasad Gupta, R/o Mohalla- Belti
Factory More Malahchak, P.S.- Jehanabad, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate.

For the Opposite Party : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(d) and 32(2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 30 quintals of
Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that 30 quintals of Mahua Flower is recovered
from a Pick-up Van. The Pick-up Van does not belong to the
petitioner. The Mahua Flower does not come within the meaning



of intoxicants. The name of the petitioner has come on the basis of secret information as per the F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya, in connection with Magadh University P.S. Case No. 142 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)