

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58051 of 2018

Arising Out of PS. Case No.-167 Year-2018 Thana- GUTHANI District- Siwan

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Dhirendra Kumar @ Dhirendra Kr. Gupta, S/o Late Anand Kumar Gupta, R/o
Near Durga Mandir, Bhatpar Rani, P.S.- Bhatpar Rani, District- Deoria (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.
For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Learned counsel for the petitioner is permitted to

make necessary correction in the name of the petitioner, in

course of the day.

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(a), 37(b), 38(a) and
41(i) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1.125
liters wine 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. It is alleged that total 1.125 liters wine is recovered from the car in question. The name of the petitioner has come in the present case on the basis of seized car. The petitioner is alleged to be owner of the said car. The car is run as a Taxi by the driver of the petitioner. 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./Complaint Case.

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 learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Guthani P.S. Case No. 167 of 2018, subject to conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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