

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25491 of 2018

Arising Out of PS.Case No. -181 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Ramashray Gupta @ Ram Ashray Gupta S/o Thakur Sah , R/o Vill.-
Tilkapur, P.S.- Kargahar, Distt.- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections-30(a), 37(b) of the Bihar Prohibition and Excise Act,
2016.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The name of the
petitioner has transpired on the basis of disclosure made by the co-
accused namely Sanjay Ram. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in this
case. There is no recovery of liquor in the present case. It is a case
where the co-accused, in drunken State, disclosed the name of the
petitioner that the petitioner had provided liquor to him. The petitioner



has been made accused in this case due to mistake of fact. 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/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, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 181 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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