

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36583 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- MIRGANJ District- Gopalganj

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Munna Kumar Gupta @ Munna Gupta, Son of Late Surendra Prasad Gupta,
Resident of Purab Mohalla, Mill Road, Mirganj, Ward No.10, Station -
Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mrs.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Mirganj P.S. Case No. 353 of 2018
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that in the
present case on the information of an undisclosed source the
vehicle in question which was standing near the Mirganj
Machhli Hat was raided by the police party from which the
illicit liquors were recovered. The name of the petitioner has
transpired in the FIR on the basis of the information said to have



acquired by the informant from the neighbouring people who disclosed the name of this petitioner. The persons who disclosed the name of this petitioner are also not indicated in the FIR.

Learned counsel points out from the statements made in paragraph 11 of the petition that the illicit liquors were recovered from a Safari vehicle which is not of the petitioner and it is further stated that the petitioner is a resident of Mill Road, Mirganj which is 3 km away from the alleged place of occurrence. Learned counsel submits that this petitioner has clean antecedent and at this stage where there is no prima-facie allegation to support the allegations against the petitioner, he may be protected.

Learned APP for the State is present and while opposing the prayer for anticipatory bail he has suggested that since the petitioner has made statement that Safari vehicle does not belong to him, the investigating officer may verify this fact and inform the court below when the petitioner surrenders pursuant to the order of this Court.

Considering the facts and circumstances of the case particularly that according to the petitioner the Safari vehicle does not belong to him, it was found standing 3 km away from the place of occurrence, he has no criminal antecedent and that



at present there is no prima-facie material to support the allegations against him, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that he surrenders in the court below within a period of two weeks from today. Let in case of arrest or surrender of the petitioner within the aforesaid period, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Mirganj P.S. Case No. 353 of 2018, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

The investigating officer will be at liberty to verify the facts as have been submitted by the petitioner and in case he finds that the submissions are wrong, he will be at liberty to file an appropriate application for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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