

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51356 of 2019

Arising Out of PS. Case No.-249 Year-2018 Thana- GOH District- Aurangabad

RAJESH KUMAR GUPTA @ RAJESH HALWAI @ RAJESH GUPTA @
RAJESH Son of Mahendar Sao Resident of Village- Choudhari Gali,
Rafiganj, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey
For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-08-2019 The petitioner apprehends his arrest in connection with
Goh P.S.Case No. 249 of 2018 registered under Section 30(a) of
the Bihar Prohibition and Excise Act (hereinafter referred to as
the 'Act').

Allegation against the petitioner, as per FIR, is that the
police raided the Poultry Farm of one Ajay Sao and recovered
295.5 litres illicit foreign liquor. It has further been alleged that
the police on secret information came to know that the petitioner
i.e., Rajesh Kumar Gutpa, used to supply illicit liquor to Ajay
Sao.

Learned counsel for the petitioner submits that petitioner
has got no criminal antecedent and he has falsely been
implicated by the police based upon secret information. He
further submits that from perusal of FIR as well as seizure list, it



appears that recovery has been made from the room and Poultry Farm of Ajay Sao and there is no recovery made from the premises or conscious possession of the petitioner as such no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession or premises of the petitioner and further he has got no criminal antecedent as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-VII-cum-Special Judge, Excise Act, Aurangabad in connection with Goh P.S.Case No. 249 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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

