

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52240 of 2019**

Arising Out of PS. Case No.-363 Year-2019 Thana- CHAPRA TOWN District- Saran

RAVI GUPTA @ RAVI KUMAR @ RAVI KUMAR GUPTA Son of
Awadhesh Gupta @ Awdhesh Kumar @ Audhsh Kumar Resident of Mohalla
- Mauna Mohan Nagar, P.S.- Chapra Town, District- Saran At Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Ms.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 23-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Chapra Town Police Station Case No. 363 of 2019,
disclosing offences under Sections 30 (a) and 41 (1) (ii) of the
Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that while the police was on patrolling
duty, they intercepted a white-coloured Sumo Victa vehicle and
on seeing the police, two persons alighted from the said vehicle
and fled away. The police searched the vehicle and recovered
43.740 litres of illicit liquor from the said vehicle.

Learned Counsel for the petitioner submits that the



petitioner has got no criminal antecedent and has falsely been implicated in this case with oblique motive on the basis of the disclosure made by the local people. He, referring to paragraph 7 of this application, submits that the said Sumo Victa vehicle does not belong to the petitioner and no recovery of illicit liquor has been made from the conscious possession or the vehicle of the petitioner and, as such, he submits that no *prima facie* case is made out against the petitioner under the Act.

After having heard learned Counsel for the parties and taking into consideration the fact that the vehicle from which illicit liquor has been recovered does not belong to the petitioner and further no illicit liquor has been recovered from the conscious possession of the petitioner and that the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Ravi Gupta @ Ravi Kumar @ Ravi Kumar Gupta, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 11th Additional Sessions Judge, Saran, at Chpara, in connection



with Chapra Town Police Station Case No. 363 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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