

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36961 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- SAHAR District- Bhojpur

RAJU KUMAR GUPTA SON OF RAMNATH PRASAD R/O – VILL -
KHAKHUNUCHAK P.S.-SAHAR, DIST.- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 10 litres of liquor and 60 Kg.
Mahua flower from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from
his conscious possession. It is further submitted that the alleged
house is a joint family property, as such, it cannot be alleged with
certainty that it was the petitioner who had kept the liquor in the



house as no prudent man would create evidence against himself by misusing his own premises.

The Court was inclined to grant anticipatory bail to the petitioner but the learned A.P.P. opposed the anticipatory bail submitting that though the house is a joint family property but it is not stated in the anticipatory bail application.

At this stage, learned counsel for the petitioner seeks permission to withdraw this application.

Permission is accorded.

Accordingly, this application for grant of anticipatory bail on behalf of the petitioner is dismissed as withdrawn in connection with Sahar P.S. Case No. 250 of 2021 pending in the Court of learned Exclusive Special Excise Court No. II, Bhojpur at Ara/successor Court.

However, in the event, if the petitioner surrenders on or before 24.11.2022, the learned trial court shall dispose of the case on the same day keeping in mind that petitioner is a person with clean antecedent and the alleged recovery is of meager amount of liquor/small quantity.

(Satyavrat Verma, J)

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