

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16714 of 2023**

Arising Out of PS. Case No.-17 Year-2023 Thana- BARUN District- Aurangabad

1. Ranjeet Kumar Sao @ Ranjeet Kumar, aged about 37 years, Male, S/O Anil Prasad Gupta @ Aneel Saw, Resident Of Village- Lakhdihra, Dihara, P.S.- Obra, District- Aurangabad.
2. Sanjay Kumar @ Sanjay Kumar Sah @ Sanjay Saw, aged about 35 years, Male, S/O Anil Prasad Gupta @ Aneel Saw, Resident Of Village- Lakhdihra, Dihara, P.S.- Obra, District- Aurangabad.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                        |   |                                   |
|------------------------|---|-----------------------------------|
| For the Petitioners    | : | Mrs. Rupa Kumari, Advocate        |
| For the Opposite Party | : | Mr. Damodar Prasad Tiwary, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-05-2023                      Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Barun P.S. Case No. 17 of 2023 for the offence registered under Section 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 600 Kgs. Gur Powder and 100 Kgs. Fitkari is said to have been recovered from the Pick-up Van in question.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal



antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 600 Kgs., Gur Powder and 100 Kgs. Fitkari is recovered from the Pick-up Van in question. The petitioners are named in the F.I.R. The names of the petitioners have transpired in the present case on the basis of seized Pick-up Van in question. The petitioner no. 1 is alleged to be the owner of the said Pick-up Van in question. The petitioner no. 2 is the brother of petitioner no. 1. The said Pick up Van is run as a public transport. The petitioners had no knowledge regarding the nature of goods booked by the Transporter. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of*



*Bihar).*

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Court below/concerned Court, in connection with Barun P.S. Case No. 17 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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