

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25230 of 2023

Arising Out of PS. Case No.-326 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Gopal Sharma Son Of R.P. Sharma @ Rajender R/O Village- House No.Cb342, First Floor, (HOUSE No.Cb41, 4th, Floor, Is An Error In Fir) Near Indian Oil Petrol Pump, Ring Road, Naraina, New Delhi, P.S.- Naraina, District- South West Delhi, New Delhi 100025

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Sharma, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a)/36/41(I)(II) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 78.120 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 78.120 liters wine is recovered from a car in question. The petitioner is owner of the car in question. The said car was given to the co-accused on lease prior to the alleged occurrence. The petitioner had no knowledge regarding the nature of goods kept in the car. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Motipur P.S. Case No. 326 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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