

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28884 of 2023

Arising Out of PS. Case No.-313 Year-2021 Thana- DIGHA District- Patna

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RITESH KUMAR GUPTA SON OF LATE RAJ KISHORE GUPTA R/O
MOTILAL SAH MARKET, OPPOSITE CANARA BANK, DIGHA GHAT,
P.O. AND P.S.- DIGHA, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Mallika Nawal, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

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

Allegation is of recovery of 325.08 litres of liquor
from a vehicle.

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 petitioner came to be implicated based on the disclosure
made by the apprehended accused in police custody that they



sold the liquor to the petitioner and also disclosed the mobile number of the petitioner. It is next submitted that mere disclosure of mobile number by no stretch of imagination can be alleged with certainty that petitioner at any point of time has purchased the liquor from the apprehended accused. It is also submitted that petitioner is not the owner of the vehicle and admittedly is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special Case No. 3569 of 2021 (Digha P.S. Case No. 313 of 2021), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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