

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54727 of 2023

Arising Out of PS. Case No.-389 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Ram Narayan Gupta, Son of Ramji Prasad Gupta, Resident of Village - Amri Talav, P.S.- Karwandiya, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sasaram (Muff.) P.S. Case No. 389 of 2022 dated 03.08.2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner has fair and clean antecedent and he is not named in the FIR and the instant matter relates to the recovery of 320 litres of country-made liquor from a *Santra* car of which the petitioner was admittedly owner but on 18.09.2019 he sold the said vehicle to co-accused Pappu @ Raja Gupta @ Raja Babu who has been granted anticipatory bail by a co-ordinate Bench of this Court vide order



passed in Cr. Misc. No. 68580/2022 and another co-accused Vinod @ Piniya Pasi, who is also named in the FIR, has also been granted anticipatory bail by another co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 74311/2022 and at the time of recovery of the alleged liquor, the petitioner was not owner of the said vehicle and during investigation, one person namely Mithilesh Kumar, who was witness of the sale execution of the said car, was examined and he supported the said factum of transfer of ownership by this petitioner to co-accused Pappu @ Raja Gupta @ Raja Babu.

4. Learned APP for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and he has taken the plea that he had sold the alleged vehicle to the co-accused Pappu @ Raja Gupta @ Raja Babu from which the recovery of the alleged liquor was made and the said co-accused has already been granted anticipatory bail by a co-ordinate Bench of this Court and another co-accused Vinod @ Piniya Pasi has also been granted anticipatory bail by another co-ordinate Bench of this Court and the petitioner has fair and clean antecedent and as per the FIR, the above-named co-accused persons were mainly



involved in smuggling of the alleged liquor, in the light of these facts the alleged offence of Excise Act does not attract against the petitioner and this court is inclined to accept the anticipatory bail of the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the Court concerned in connection with Sasaram (Muff.) P.S. Case No. 389 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

