

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58740 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KHUTAUNA District- Madhubani

Ram Kumar Gupta Son Of Anirudh Prasad Sah Resident Of Village - Hudra,
Ps- Khutauna, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Khutauna P.S. Case No. 79 of 2023 dated 07.07.2023 instituted
for the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

3. The prosecution case, in short, is that on
07.07.2023 at about 03.20 hrs, the informant along with his
associates, while on patrolling duty, apprehended a person,
namely, Rudranayaran Ram with a Centro car bearing No. BR
01 PG 3599 which was being driven by him, while other
managed to flee away. On search, one Samsung touch screen
mobile and 18 cartons containing 30 bottles, each of 300 ml. ie.



total 162 litres Nepali Kastori country made liquor was found in the car which was recovered. On enquiry, he said that the owner of the car is Kishore Pal, who has given the said liquor to supply the same to the petitioner and Santosh Gupta.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has not been arrested from the spot. Only the driver of the car, namely, Rudranarayan Ram was arrested from the spot and the said liquor was recovered from that car. Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has been made accused in this case. It is further submitted that the name of the petitioner has come in this case in the confessional statement of apprehended accused, namely, Rudranarayan Rai. Lastly, it has been submitted that petitioner has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Khutauna P.S. Case



No. 79 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, District- Madhubani subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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