

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65300 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- ROSHANGANJ District- Gaya

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BABLOO KUMAR GUPTA @ BABLOO KUMAR S/O MUNNI SHAH @
MUNNI SAW R/O VILLAGE- SOBRI LAWABAR, BARAKALA, PS.
KOTHI, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Raushanganj (Bankebazar) P.S. Case No. 333
of 2022 registered for the offences punishable under Section 30
(c) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 240 kg mahua flower
was recovered from the tempo in question. It is further alleged
that one person was apprehended as driver of the said tempo
who disclosed his name as co-accused Mohan Paswan and also
disclosed that the alleged recovered mahua flower related to the
petitioner, who fled away from the place of occurrence, leaving
motorcycle in question.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of one case in which he is on bail. Learned counsel further submits that petitioner is neither owner nor driver of the said tempo in question. He has no concern with the alleged recover mahua flower. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has falsely been implicated in the case as the owner of alleged seized motorcycle from where no incriminating article has been recovered. Learned counsel further submits that petitioner was not present at the place of occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid section.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 each to the satisfaction of learned Exclusive Excise Judge No. 3, Gaya in connection with Raushanganj (Bankebazar) P.S. Case No. 333 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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