

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1701 of 2023

Arising Out of PS. Case No.-586 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Rohit Kumar Sagar, Son of Rakesh Kumar Sagar, Resident of- Veer Kunwar Singh Colony, Road No. 13, P.S.- Magadh Medical College, District- Gaya. Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brijeshwar Narayan Singh, Advocate
For the Opposite Party : Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 The defect (s), as pointed out by the office notes dated 03.01.2023, it has been submitted by learned counsel for the petitioner that the copy of the supplementary affidavit has already been served upon the learned A.P.P. for the State and a receipt thereof, is being produced in the Court and the same is accepted.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Gaya Excise P.S. Case No. 586 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The prosecution story, in brief, is that 564 liters wine is said to have been recovered from the Pick-up Van in question.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 564 liters wine is recovered from the Pick-up Van in question. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of sized Pick-up Van. The petitioner is alleged to be the owner of the said Pick-up Van. The said vehicle is run as a public carrier. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of*



SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar).

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

Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Gaya, in connection with Gaya Excise P.S. Case No. 586 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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