

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10940 of 2024

Arising Out of PS. Case No.-2047 Year-2023 Thana- Excise P.S. District- Gaya

Rohit Sharma @ Rohit Kumar @ Raja son of Ram Vijay Sharma @ Ramvijay
Sharma Village- Sidhduni Chauk Sidh Duni Chak Ps- Atri Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar .

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No.2047/2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases and allegation is of
recovery of 200 litres of liquor from a black auto and 108 litres
of liquor from a swift desire car. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and he came to be
implicated based the fact that he is owner of the swift desire car.
It is next submitted that no prudent person would use his own



vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that the petitioner was completely unaware that his driver Ajit would misuse his vehicle in the manner as alleged who was also arrested from the spot. It is further submitted that once a person is implicated in a case relating to excise, the police in mechanical manner starts implicating.

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

5. 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.25000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise No.3, Gaya/concerned Court in connection with Excise P.S. Case No.2047/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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