

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31865 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- Excise P.S. District- Aurangabad

Indrajit Prasad Gupta S/O- Mahendra Saw R/O- Village -Haneya, P.S-
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with G.R. No.399 of 2024 arising out of Excise P.S. Case No.223 of 2024 instituted under Sections 30(a), 30(c) and 32(3) of the Bihar Prohibition and Excise Act and Rule 2(e), 3, 5(b) and 18 of the Bihar Mahua Flower Manual, 2006.

3. As per prosecution case, 100 kg *mahua* flower and 5 litres country made liquor have been recovered from the auto of the petitioner and the driver of the auto, namely, Arvind Kumar was arrested at the time of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is the owner of the alleged auto which was given



to the co-accused Arvind Kumar. Petitioner had no knowledge about illegal transportation of liquor done by the co-accused. Petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge of Excise II, Aurangabad in connection with G.R. No.399 of 2024 arising out of Excise P.S. Case No.223 of 2024, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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