

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41077 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Raju Kumar Gupta, Son of Jagdish Saw, Resident of village - Korrah, P.S.-
Muffasil, Distt.- Hazaribag, State – Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Ramkrishna Nagar P.S. Case No. 282 of 2024, instituted under Sections 30(a), 32(2), 32(3), 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 87.75 litres foreign liquor has been recovered from a bus bearing Registration No. BR 01PC-2642.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on the basis that he is owner of the seized bus. He further submits that the seizure-list has not been prepared at the place of occurrence. There is no independent witness of the seizure-list.



There is violation of mandatory provisions with respect to seizure. Petitioner has no concern with the alleged recovery of wine which was allegedly recovered from the dickey of the bus. Petitioner was neither present in the bus nor he was driving the bus at the relevant time. Petitioner has no criminal antecedent. He undertakes to co-operate in the investigation and trial.

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

6. Considering the facts and circumstances of the case and submission 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 upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Ramkrishna Nagar P.S. Case No. 282 of 2024, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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