

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44703 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- ROH District- Nawada

1. Ankit Kumar Son of Sudhir Gupta R/O Vill.- Roh, P.S.- Roh, Dist.- Nawada.
2. Arvind @ Arvind Paswan @ Jamhura Son of Binda Paswan R/O Vill.- Roh, P.S.- Roh, Dist.- Nawada.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Roh P.S. Case No. 83 of 2024, registered for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 8, 20(B) and 11(B) of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, on the basis of secret information about petitioners selling foreign liquor and *Ganja*, a raid was conducted at an identified place and two persons fled away from the spot on seeing the police party. From the spot, 10.875 liters of foreign liquor and 1.3 kg of *Ganja* like substance were recovered. The local *Mahal Chowkidar*



disclosed the names of the petitioners, who fled away from the spot.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case on saying of local *Mahal Chowkidar*. Learned counsel further submits that there is nothing against the petitioners to connect them with the offences as alleged. The petitioners have no concern with the seized contraband and nothing incriminating has been recovered from person or possession of the petitioners. Moreover, the recovery has been shown from a public place, i.e., behind a hotel of one Binda Paswan, which is accessible to all. Learned counsel further submits that petitioner no. 1 is having criminal antecedent of three cases but he is on bail in all those cases and these cases have been lodged by the police in highhandedness as all the cases are from same police station. The petitioner no. 2 is having clean antecedent.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and there appears distinct lack of material to show the connection of



the petitioners with the offences as alleged and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nawada in connection with Roh P.S. Case No. 83 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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