

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86348 of 2023

Arising Out of PS. Case No.-753 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Naivnit Gupta @ Nawnit Kumar Gupta @ Nawnit Gupta S/ O LATE RADHA
GUPTA @LATE RADHA SAH R/O VILLAGE- BAHUARA, P.S.
MOHANIA, DUST- KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mohania P.S. Case No. 753 of 2023 dated 26-10-2023 registered under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act 2018.

3. As per the prosecution story on 26.10.2023 while the informant was on patrolling duty, he received an information that somebody was selling liquor in his house. The Police proceeded towards the place of occurrence and upon seeing the Police party one person carrying a polythene bag fled away after throwing the bag in a bush. After search, 01 liter of illicit liquor was recovered and Choukidar identified the petitioner.

4. Learned counsel for the petitioner submits that petitioner is having no criminal antecedent and he has falsely



been implicated in this case on the basis of disclosure of his name by the Choukidar. He next submits that seizure list indicates that illicit liquor has been recovered from bush and not from the conscious possession and / or house belonging to the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is having no criminal antecedent and illicit liquor has not been recovered from the conscious possession and / or premises belonging to him, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Spl. Judge Excise No. 1 cum A.D.J.-IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 753 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

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