

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80120 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- BAUNSI District- Banka

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1. Amit Gupta S/o- Mahendra Gupta Resident Of Mehedi Began, G T Road, Bardhaman, Ps- Bardhaman, W.B
 2. Rozi Rani W/o- Amit Gupta Resident Of Mehedi Began, G T Road, Bardhaman, Ps- Bardhaman, W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Baunsi P.S. Case No. 352 of 2023 lodged on 06.12.2023, for the offence punishable under Sections 30(a) & 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, total recovery of 786.12 litres of illicit liquor has been made from a pick-up van which is the subject matter of the present case.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the recovery of alleged illicit liquor



has been made from a pick-up van. Counsel submits that name of petitioner no.1 has been figured in this case only by virtue of disclosure made by the driver of the vehicle who was apprehended by the police and name of petitioner no.2 has come in this case due to the reason that she is the owner of the said vehicle. Counsel submits that petitioner no.2 is a housewife and entire thing was managed by her husband i.e. petitioner no.1, save and except the vehicle is registered in her name. Counsel further submits that petitioners have no criminal antecedent and it is a case where the driver is the real culprit and police has arrested him on the spot with the alleged liquor. Counsel submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from bare reading of the FIR, it transpires that petitioner no.1 is well aware about the illegal business of transporting liquor which is being conducted with his consent.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.2 namely, Rozi Rani be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on



furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge-II, Banka-cum-Special Judge Excise Court-1, Banka, in connection with Baunsi P.S. Case No. 352 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. So far as petitioner no.1 namely, Amit Gupta is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

(Dr. Anshuman, J)

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