

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37108 of 2026

Arising Out of PS. Case No.-372 Year-2025 Thana- GAYA KOTWALI District- Gaya

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Rahul Gupta @ Rahul Kumar Gupta S/O Sanjay Kumar @ Sanjay Kumar
Gupta Resident of Village /Mohalla - Katari Hill, Near F.CI, Road- P.S-
Chandauti ,Distt- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and

the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 372 of 2025, for allegedly having committed offence under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that he received an information that one truck bearing registration no. WB23E 5499 was standing on Abu Saleh Road and on the same, wine is loaded. To verify the authenticity of the said information, the informant reached there and found that the truck is loaded with clothes and in the cabin



and roof phensedyl cough syrup in 30 bags was loaded. The driver and the Khalasi produced papers with regard to the clothes but, no document was produced regarding the cough syrup. In presence of the police personnel, the same was seized and the total quantity of the seized cough syrup was found to be 600 liters. It was informed by the driver and the Khalasi, who were apprehended at the place of occurrence that the petitioner has loaded the cough syrup and the same was to be delivered to Kolkata.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that no recovery was made from the possession of the petitioner and the name of the petitioner has transpired in the present case only on the basis of the statement made by the driver and khalasi of the said truck. The petitioner was not even present at the place of occurrence. He further submits that he has got no concern with the said cough syrup or the truck, which was seized along with the cough syrup. He further submits that the petitioner has got a clean antecedent.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that 600 liters of cough syrup was recovered and the



petitioner has been named as an accomplice by the driver and Khalasi, therefore he does not deserve the privilege of anticipatory bail.

6. Having heard the rival submissions and after going through the records, it appears that the petitioner was not present at the place of occurrence and his name transpired on the statement given by the driver and khalasi. 600 liters of cough syrup was seized from the truck, which does not belong to the petitioner. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, 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 the learned Court of Exclusive Special Excise Court No.-4, Gaya, in connection with Kotwali P.S. Case No. 372 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

Ajay/Mridula/-

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