

(2025) 11 JH CK 1940
In the Jharkhand High Court
Case No : A.B.A. No. 6544 Of 2025

Sudhir Kumar Gupta @ Sudhir Sao

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 20-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35(5)
Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 274, 275
Jharkhand Excise Act, 1915 — Section 47(a)

Citation : (2025) 11 JH CK 1940

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Neeharika Mazumdar, Pankaj Kumar

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Heard learned counsels for petitioner and for State.
2. The petitioner is apprehending his arrest in connection with Bashisth Nagar (Bashistanager) P.S. Case No.12 of 2025, for offence registered under section 274, 275 and 3(5) of BNS, 2023, section 47 (a) of the Excise Act, pending in court of learned Chief Judicial Magistrate, Chatra.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the name of the petitioner has been taken by apprehended co-accused namely, Manish Kumar who is said to be driver and the allegations are made that foreign liquor was being carried. She also submits that the petitioner has not received any notice under section 35(3), BNSS, 2023.
4. Learned State counsel opposes prayer and submits that the name of the petitioner has been taken by one Manish Kumar who was driver of the Tempo on which foreign liquor was being loaded.

5. Considering that the name of the petitioner has been taken by one Manish Kumar who was driver of the Tempo on which foreign liquor was being loaded and two of the co-accused persons have been granted anticipatory bail in ABA No.4758 of 2025, and in that view of the matter, the petitioner, above named, is directed to surrender before learned court within two weeks from today and learned court shall release the petitioner, above named, on such terms and conditions as well as sureties as learned court may deem fit and proper.

6. This petition is disposed of.