

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12231 of 2017

Arising Out of PS.Case No. -760 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Sanjay Kumar Jaiswal @ Sanjay Jaiswal son of Shri Gauri Shankar Jaiswal
resident of Shahi Colony, Hajipur, P.S. Nagar Hajipur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Hajipur Town
P.S. Case No. 760 of 2016 instituted for the offence under
sections 188, 420, 120(B)/34 of the Indian Penal Code and
Sections 30, 47, 38, 48 of the Bihar Prohibition & Excise Act.

It has been submitted on behalf of the petitioner that
illicit liquor has been recovered from a container which was being
driven by Narendra Kumar Sharma and Birendra Choudhary was
found sitting on the aforesaid truck.

It is mentioned in the written report that on
interrogation, apprehended persons disclosed name of this
petitioner and others.

It is alleged that the alleged illicit liquor was being
sold by accused persons including this petitioner in partnership.



Besides this, there is no allegation of any specific overt act against this petitioner. It has been submitted that petitioner has no concern with the illicit liquor which has been recovered from the aforesaid truck.

From the order of the Sessions Judge. it also appears that there is no substantive material against this petitioner.

It has further been submitted that accused Birendra Choudhary and Narendra Kumar Sharma who were apprehended on the spot, have already been granted regular bail by coordinate Benches of this court vide order dated 22.3.2017 and 8.2.2017 passed in Cr. Misc. Nos. 7365 of 2017 and 2791 of 2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner named above, within six weeks from today, in connection with Hajipur Town P. S. Case No. 760 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J)

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