

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54036 of 2018

Arising Out of PS. Case No.-237 Year-2018 Thana- LALGANJ District- Vaishali

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Anish Kumar, S/O Chandrakhet Singh, R/O Village- Sirsa Ramrae, P.S.-
Lalganj, District- Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s :

Smt. Rina Sinha

For the Opposite Party/s :

Sri Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 11-09-2018 Heard Smt. Rina Sinha, learned counsel for the

petitioner and Mr. Humayou Ahmad Khan, learned Additional

Public Prosecutor .

The sole petitioner, having clean antecedent , which
fact has been stated in paragraph - 3 of the petition,
apprehending his arrest in connection with Lalganj P.S. Case
No. 237 of 2018 , registered for offence under Section 30(A)/
32(2)/ 41(1) of the Bihar Prohibition & Excise Act, 2016 , has
prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner submits that
petitioner's name has come in the statement made by co-accused
who was apprehended by the Police. According to learned
counsel for the petitioner save and except confessional
statement, there is no other material to connect the petitioner in
the present case. Petitioner is neither having any connection
with the seized articles nor he was having any connection with



the vehicle in question.

Learned Additional Public Prosecutor has opposed the prayer and submits that in this case huge quantity to the tune of 2066.4 liters of Indian make foreign liquor was recovered, and as such, considering the seriousness of accusation, petitioner may not be granted anticipatory bail. However, I have examined the materials available on record. Fact remains that petitioner is having clean antecedent. Besides this, petitioner has been made accused on the basis of confessional statement of the co-accused, and as such, there is no reason to refuse the prayer for grant of anticipatory bail. Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let petitioner - Anish Kumar be enlarged on bail on furnishing bail bond of Rs. **10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge – II cum Special Judge Vaishali at Hajipur / concerned court in connection with Lalganj P.S. Case No. 237 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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