

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32042 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- SONBERSA District- Sitamarhi

Sanjay Das @ Sanjay Kumar Das S/o Late Ganesh Paswan, R/o Vill.-
Sonbarsha, Lalbandi , P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Reena Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-06-2018 At the very outset, learned counsel for the petitioner requests for allowing him to make correction in respect of address of the petitioner in the petition as well as correcting the name of the Act, which has been incorrectly typed in paragraph-1 of the petition.

The prayer is allowed.

Learned counsel for the petitioner is permitted to make correction in course of the day.

Heard Sri Alok Kumar Jha, learned counsel for the petitioner and Smt. Reena Sinha, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Sonbarsa P.S. Case No.34 of 2018 registered for the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of arrest or



surrender.

Learned counsel for the petitioner, by way of referring to the statement made in paragraph-3 of the petition, submits that the petitioner is having clean antecedent and due to village politics, he has been made accused. He further submits that nothing was recovered from the conscious possession of the petitioner, rather in the case, it was alleged that from one motorcycle, which was not belonging to the petitioner, about 63 liters of Nepali Saufi was shown to be recovered and in the F.I.R. it was alleged as if some of the villagers disclosed that the petitioner was one of the members, who fled away. He submits that name of any of the villagers has not been mentioned who purportedly disclosed the name of the petitioner.

Besides hearing learned counsel for the parties, I have perused the materials on record, particularly the fact that the petitioner is having clean antecedent and nothing was shown to be recovered from the conscious possession of the petitioner nor the petitioner was having any relation with the motorcycle, which fact has been stated in paragraph-9 of the petition. Accordingly, in the event of his arrest or surrender within six weeks from today, let the petitioner, namely, Sanjay Das @ Sanjay Kumar Das, 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 A.D.J.II Sitamarhi-cum- Special Judge, Excise Act, Sitamarhi in connection with Sonbarsa P.S. Case No.34 of 2018, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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