

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12123 of 2019**

Arising Out of PS. Case No.-26 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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SAJAY SAH @ SANJAY SAW @ KARI Son of Sitaram Saw resident of
village-Kaler, P.S.-Magadh Medical, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 18-11-2019 This application, for grant of anticipatory bail, arises

out of Magadh Medical P.S. Case No. 26 of 2019, disclosing

offences under Sections 30 (a), (d) of Bihar Prohibition and

Excise Act.

As per F.I.R. police got the information that petitioner

used to bring the liquor and sell the same by some other person

and when the police went there, petitioner and tempo driver

seeing the police fled away. Thereafter, from the tempo 140

litres of liquor has been recovered.

Submission of learned counsel for the petitioner is

that he has falsely been implicated in this case and he is neither

owner nor driver of the tempo, from which, alleged recovery has

been made and further there is no source of information as to



how the name of petitioner has transpired in course of investigation or in the F.I.R, though case diary has been called for.

Learned counsel for the State could not controvert the above submission.

Having heard both sides, considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya, in connection with Magadh Medical P.S. Case No. 26 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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