

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7541 of 2020**

Arising Out of PS. Case No.-38 Year-2019 Thana- DURAULI District- Siwan

JIWAN SAH Son of Premnath Sah Resident of Village - Salahpur, P.S.-
Ander, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-03-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Darauli P.S. Case No. 38 of 2019 registered under Sections 272, 273, 420 and 120(B) of the Indian Penal Code and Section 30(a) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the truck from which illicit liquor has been recovered belong to one Sitechand S/o – Dharpal of the State of Haryana. Learned counsel further submits that the petitioner was not present in the said truck and the driver of the truck when apprehended made a statement that the consignment was to



be placed at the destination informed by the petitioner and the co-accused.

Learned counsel submits that save and except the statement of the driver there is no other material against the petitioner and petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the truck from which illicit liquor has been recovered belonged to one Sitechand S/o – Dharmpal of the State of Haryana, this petitioner was not present in the said truck and the driver of the truck when apprehended made a statement that the consignment was to be placed at the destination informed by the petitioner and the co-accused and save and except that statement of the driver there is no other material and further the co-accused Pappu Kumar Yadav has been granted privilege of anticipatory bail by learned coordinate Bench of this court in Cr. Misc. No. 46053/2019 and petitioner has no criminal antecedent, in the event of his arrest/surrender before the court below



within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – II cum Special Judge (Excise), Siwan, in connection with Darauli P.S. Case No. 38 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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