

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11678 of 2020

Arising Out of PS. Case No.-124 Year-2018 Thana- BAHERI District- Darbhanga

Lal Babu Sah Son of Ram Vilas Sah @ Ramavilap Sahu Resident of Village -
Hawidih, P.S.- Baheri, District- Darbhanga Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed this application for grant of anticipatory bail apprehending his arrest in connection with Baheri P.S. Case no. 124 of 2018 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, a bolero vehicle was stopped by the police personnel and on search 213.120 litres of liquor was recovered from the vehicle and two accused persons namely Lalit Yadav and Aslam were taken into custody. It is further stated that they disclosed that the liquor belong to three other accused persons including the petitioner herein and they were just carrying the same as instructed on receiving a paltry amount.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false. Neither the petitioner has been arrested at the spot nor does the vehicle or



the seized liquor belong to him. There is no other material against the petitioner except the confessional statement of co-accused before police and the petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has no criminal antecedent and his name transpired in the confessional statement of co-accused made before the police, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Baheri P.S. Case no. 124 of 2018 will 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Darbhanga subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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