

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11928 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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Amar Nath SAH S/O Mahendra Sah Residence of Vill/Mohalla - Bhalpatti,
P.S.- Sadar (Bhalpatti O.P.), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-06-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sadar (Bhalpatti O.P) P.S. Case No.3 of 2020, registered under section 414 of the Indian Penal Code and sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on being asked by the police personnel to stop their vehicle, it is stated that the accused persons stopped their vehicle and attempted to escape. Out of the three accused, two of them were caught and disclosed the name of the third person who had managed to escape as Amar Nath Sah, the petitioner herein. It is submitted that 14.4 litres of IMFL was recovered from the vehicle.

It is submitted by learned counsel for the petitioner



that the petitioner has no concern either with the vehicle nor with the recovered liquor. He has been falsely implicated in the case.

The application for bail is opposed by learned APP for the State who submits that the petitioner has one earlier case also under the Excise Act against him.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner is not the owner of the vehicle, no incriminating article has been recovered from his possession nor was he arrested at the spot, the Court is inclined to enlarge the petitioner on 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 G.O. Case no.4 of 2020 (arising out of Sadar (Bhalpatti O.P) P.S. Case No.3 of 2020), he will be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga, subject to the conditions as laid down in section 438 (2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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