

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5158 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- RIGA District- Sitamarhi

SANJIV RAI @ SANJIV KUMAR Son of Bindeshwar Rai @ Vindeshwar Rai Resident of Village - Ramnagra, P.s.- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Riga P.S. Case no. 199 of 2021 instituted for the offence under Sections 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 179.250 liquor illicit wine from a pickup van and driver Dinesh Rai was apprehended on spot who disclosed the name of this petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. It is further submitted that in the alleged pickup van, registration no. is not mentioned and



engine no. and chassis no is also unclear, which does not belong to the petitioner. The name of the petitioner has been disclosed in this case by the co-accused Dinesh Kumar who was arrested on spot, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Riga P.S. Case no. 199 of 2021, 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 learned ADJ II-cum-Special Judge, Excise Act, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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