

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24196 of 2022**

Arising Out of PS. Case No.-716 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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BHAGIRATH SAH @ BHAGIRATH KUMAR SAH SON OF SRIPRASAD
SAH R/O VILLAGE- AMUWAR SANTHALI, P.S.- PODAIYAHAT
(GODDA), DISTRICT- GODDA, JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Md. Nazir Ansari

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 26-08-2022 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 Kotwali Tilkamanjhi P.S. Case no. 716 of 2021 instituted
for the offence under Section 30(a) and 32 of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 24 bottles of
375 ml from the possession of Madan Hembram, who has
disclosed the name of the petitioner as one of his associates.

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 or with with the apprehended co-accused. The name of the petitioner has been disclosed in this case by the apprehended co-accused Madan Hembram before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested 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 Kotwali Tilakmanjhi P.S. Case no. 716 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 Special Judge Exclusive Excise Court no. 2 Bhagalpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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