

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25148 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Navin Kumar Jha Son Of Parmanand Jha R/O Village- Raja Pakhar Kant
Nagar, P.S.- Barari, District- Katihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Tapeshwar Sharma

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
Jagdishpur P.S. Case no. 28 of 2021 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 717 litres of
IMFL from a pickup van of the petitioner bearing registration no.
BR11GC6019 and driver of the said van was apprehended on
spot.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner has already given the said vehicle to the driver
on monthly rent and an agreement was also prepared between the
parties, which is annexed as Annexure-3 to this petition.
Petitioner has no concern with the alleged recovery of liquor. The



name of the petitioner has been disclosed in this case by apprehended driver namely, Shankar Yadav 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 Jagdishpur P.S. Case no. 28 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, Excise 1st 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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