

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32046 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- BALIGAON District- Vaishali

SUNIL SAH @ SUNIL KUMAR GUPTA S/o Late Makhan Prasad Gupta R/o
Digha Fatehpur, P.S. - Baligaon, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 32(2) and 41(i) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 142.560 litre of liquor from a
house situated in front of the house of co-accused Ramu Ram and
29.970 litre of liquor was recovered from the house of the petitioner
and co-accused Rubi Kumari, who is wife of the petitioner, was
apprehended from the spot.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from



his conscious possession. He further submits that police in a mechanical manner without holding any proper inquiry implicates innocent person. He next submits that petitioner has specifically pleaded at para 7 of the anticipatory bail application that house in question is a joint family property, as such, it cannot be alleged that it was the petitioner who had kept the liquor in the house.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baligaon P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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