

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35167 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Gajendra Sah @ Kachhuiya S/o Jawahir Sah R/o village- Salempur, P.S.-
Mahadeva O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-09-2022 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 Siwan Muffasil (Mahadeva O.P.) P.S. Case no. 232 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 13.125 liters of illicit IMFL from the abandoned house of Raja Ram Chaudhary which is situated behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. On suspicion the Chaukidar disclosed the name of the petitioner and FIR has been lodged against him. He has falsely



been implicated in this case due to village rivalry. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the place of occurrence. 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 Siwan Muffasil (Mahadeva O.P.) P.S. Case no. 232 of 2022, 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 Exclusive Special Excise Court No.2, Siwan, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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