

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36657 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- BODHGAYA District- Gaya

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KANHAIYA SAO @ KANHAYA SAW Son of Dukhan Sao Resident of
Village - Rampur, P.S.- Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 313, 333, 353, 427, 504, 506 and 120(B) of the Indian Penal Code read with Sections 30(a) (c) and 37(2) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 10 liter of liquor from co-accused Shankar Shao's house and unspecified soaked jawa from petitioner's house which was destroyed, it is next alleged that when the raid was taking place 30-40 people gathered on alarm raised by the petitioner and the mob assaulted the police team and even



damaged the vehicle.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and from perusal of the allegation as alleged in the F.I.R. it would manifest that quantity of soaked java recovered has also not been specified, further the allegation is that soaked java was recovered from the house of the petitioner which was destroyed but then the seizure list does not even remotely suggest that the place from where the seizure was made was in terms of the Section 62 of the Excise Act and as far as allegation of recovery of liquor is concerned, that is from the house of Shankar Shao and petitioner came to be implicated at the behest of local *chowkidar* and local people.

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. 10,000/- (Rupees Ten 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 Bodhgaya P.S. Case No. 68 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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