

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51010 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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SUNIL KUMAR KUSHWAHA S/O JOKHAN KUSHWAHA Resident of
Bhawanipur, P.S.- Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Sangrampur P.S. Case No. 152 of 2021 instituted for the offences under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is connected in a small business of meet Bhunja (kiosk) in the various places and in order to remove the kiosk, a false allegation has been levelled and false recovery has been made to be from the kiosk when the petitioner was not present at the place. There is no independent witness to the recovery and prima facie case under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016, can not be established.

I have considered the submissions..

Taking into consideration the above circumstances I am inclined to grant benefit of anticipatory bail to the petitioner and in the event of arrest he shall be released on bail subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Sanjeev Prakash Sharma, J)

Shamshad/-

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