

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41289 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- SIMRI District- Darbhanga

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UMASHANKAR ROY S/o Heera Lal Roy R/o village- Mirjapur, P.S.- Kanti,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Mohammed Arif

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 07-12-2022 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 Simpri P.S. Case no. 74 of 2021 instituted for the offence under Sections 30(a), 37(b) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case relates to recovery of 17 litres illicit liquor from the auto of the petitioner and Mahadev Mahto, who was driving the vehicle was arrested on spot.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. Because of his ownership, he



has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession. Prior to the alleged incident, petitioner has sold this vehicle to Jitendra Sahni.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner is directed to deposit Rs. 10,000/- (Rs. Ten thousand) in the concerned DLSA.

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 Simpri P.S. Case no. 74 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Darbhanga subject to the conditions as laid down under section 438(2) of the Cr.P.C.



The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 10,000/- (Ten thousand only) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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