

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57155 of 2021

Arising Out of PS. Case No.-246 Year-2021 Thana- WARISLIGANJ District- Nawada

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PRADEEP SAW S/O PRAKASH SAW @ OMPRAKASH SAH R/o village-
Rasanpur, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-06-2022 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 offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegation is of recovery of 78 litre of liquor from three
different motorcycles and three accused persons were
apprehended.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the apprehended accused
disclosed the name of the petitioner. Learned counsel further
submits that admittedly petitioner was not apprehended from the
spot, as such, nothing was recovered from the conscious
possession of the petitioner and his name transpired in the
confessional statement of apprehended accused. Learned counsel



further submits that though there is no allegation in the FIR that any recovery was made either inside or outside the boundary of the petitioner but the seizure list records that 60 litre of liquor was also recovered within the boundary of the petitioner. It is, thus, submitted that this in itself demonstrates that the petitioner has been falsely implicated in the present case as the seizure list is not in conformity with the allegation as alleged in the FIR.

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 Warisaliganj P.S. Case No. 246 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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