

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48225 of 2022

Arising Out of PS. Case No.-797 Year-2019 Thana- BANKA District- Banka

RAJ KUMAR SAH Son of Arjun Sah Resident of village - Mallik Tola Ward
No.- 01 Singheshwar Asthan, P.S.- Singheshwar Asthan, Dist- Madhepura,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-09-2022 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 30(a) and
32(2) of the Bihar Excise Act.

Allegation is of recovery of 280 liters liquor from a
Kwid car and one loaded country made pistol from the pocket of
co-accused Sintu Kumar.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, the petitioner was not
apprehended from the spot as such nothing was recovered from
his conscious possession. It is next submitted that the falsity of



the allegation would manifest from the fact that though it is alleged that arms were recovered from Sintu Kumar but then the F.I.R. is not instituted under the Arms Act nor the seizure list even discloses that arms were recovered, this amply demonstrates that police in their zeal to implicate innocent people are implicating them rampantly and now with the Excise Act even allegation of Arms Act is being leveled. Learned counsel submits that the petitioner came to be implicated as he is owner of the said car but then he had given his car to his friend and thus was completely unaware that his vehicle would be misused for such an illegal purpose.

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. 1,000/- (Rupees One 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 Banka (Barahat) P.S. Case No. 797 of 2019 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

