

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50478 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- VAISHALI District- Vaishali

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Sohan Kumar @ Soham Kumar S/o Krishana Shah R/o - 54, Bakhra, P.S.-
Saraiya, District- Muzaffarpur, Bihar- 843101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-11-2022 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 Vaishali P.S. Case no. 17 of 2021 instituted for the offence
under Sections 30(a), 41(1), 33, 34 & 36 of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of total 70 liters
spirit from a vehicle bearing Reg. No. BR01EZ-5818 which
belongs to other co-accused person.

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 of illicit spirit. The vehicle
from where the recovery has been made does not belong to the



petitioner. The name of the petitioner has been disclosed in this case on confessional statement of the co-accused, namely, Chandan Kumar who was arrested on spot. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

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

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 Vaishali P.S. Case no. 17 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 Special Judge, Excise Court, Hajipur at Vaishali subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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