

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54396 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- PHULPARAS District- Madhubani

Baidyanath Sah S/O Badri Sah Resident Of Village- Fulparas, P.S.- Furparas,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 7.5 litres of illicit Liquor from a motorcycle. The petitioner is the owner of the alleged motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the



petitioner. The name of the petitioner has surfaced only because he is the owner of the said motorcycle. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing on behalf of the State vehemently opposed the prayer of petitioner and submitted that the petitioner is the owner of the aforesaid motorcycle.

The petitioner is directed to deposit a sum of Rs. 5,000/-(Rupees Five Thousands) in the District Legal Services Authority of concerned district.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in connection with Phulparas P.S. Case No. 225 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted



by the learned Court below on showing receipt of deposit of
Rs. 5,000/-(Rupees Five Thousands) in District Legal
Services Authority of concerned district.

(Sunil Kumar Panwar, J)

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