

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65625 of 2022

Arising Out of PS. Case No.-594 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Diplal Sah Son Of Late Vilas Sah R/O Village - Thumma, P.S.- Runnisaidpur,
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Runnisaidpur P.S. Case no. 594 of 2021 instituted for the offence under Sections 30(a), 36 of Bihar Prohibition and Excise Act 2016.

Prosecution case relates to recovery of 2 liters illicit liquor from the house of co-accused person.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. A statement has been made in para 3 of the petitioner that the petitioner has got no criminal antecedent. He has no concern with the alleged recovery of illicit liquor or with the place of occurrence. The name of the petitioner transpired in this



case on the basis of confessional statement of co-accused namely, Sunil Tiwari who was apprehended on spot which has got no evidentiary value in the eye of law. It is further submitted that neither the petitioner was arrested 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 considering the facts that the recovery of illicit liquor is meagre in quantity, 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 Runnisaipur P.S. Case no. 594 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 Exclusive Special Excise Court no. -1, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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