

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64478 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- RISIYAP District- Aurangabad

GAURI SHANKAR PAL S/o Rajaram Pal R/o Village- Pokharahi Belain,
P.S.- Rishiyap, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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 Rishiyap P.S. Case no. 97 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 185 litres illicit liquor from Tata Tiago, which belongs to the petitioner and co-accused Bijash Kumar was apprehended on spot who disclosed the name of the petitioner.

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. Because of his ownership, he has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended accused Bikash Kumar before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

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

Petitioner is directed to deposit Rs. 30,000/- (Rs. Thirty thousand) in the concerned DLSA.

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 Rishiyap P.S. Case no. 97 of 2022, 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 Second, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.



The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 30,000/- (Thirty thousand only) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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