

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65355 of 2022

Arising Out of PS. Case No.-112 Year-2017 Thana- SASARAM NAGAR District- Rohtas

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VIJAY KUMAR @ VIJAY SAH S/O LATE RAJNATH SINGH Resident of
village- Tenduni Ward No- 5, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2022 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 Sasaram (M) P.S. Case no. 112 of 2017 instituted for the
offence under Section 420 of Indian Penal Code and Section
30(a)/38/41 of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of total 889.92
liters illicit liquor of different brands from a truck bearing
registration no. RJ-19-DG-15223.

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. The name of the
petitioner came into light during course of investigation of co-



accused namely, Manoj Gupta which has got no evidentiary value in the eye of law. The seized truck from where the recovery has been made, belongs to co-accused Surjeet Singh. Petitioner is neither the driver of vehicle in question nor any concern with the alleged recovery of illicit liquor. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated co-accused persons have been granted anticipatory bail by co-ordinate bench of this court vide order dated 04.09.2018 in Cr. Misc. No. 52841 of 2018 and dated 18.08.2018 in Cr. Misc. No. 25222 of 2018.

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 Sasaram (M) P.S. Case no. 112 of 2017, 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 Exclusive Special Excise Court



No.2-cum-Additional District and Sessions Judge, Rohtas at
Sasaram subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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