

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65929 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- KESARIA District- East Champaran

Mukesh Sahani @ Mukesh Kumar Sahani S/o Topar Sahani R/v- Chhap, P.S.-
Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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 Kesariya P.S. Case no. 357 of 2022 instituted for the offence under Sections 30(a), 32(i), (ii), 36, 41 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 811.50 litres of Indian Made Foreign Liquor from a truck bearing registration No. WB-41E-8454. The said truck belongs to co-accused Binod and Rahul Kumar.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern either with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused persons, namely, Saurabh Kumar and Raju Kumar, as one of his associates. 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.

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 Kesariya P.S. Case no. 357 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 Court No. 2, East Champaran, Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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