

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37402 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- JAGDISHPUR District- Bhojpur

SAROJ KUMAR S/O NAND KISHOR SINGH R/O Village- Nayka Tola,
P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-07-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Jagdishpur P.S. Case no.125 of 2023 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on the vehicle in question being stopped, it is stated that two persons managed to escape while one of the accused was caught. The accused who was caught disclosed the names of the two persons who had managed to escape which included the petitioner herein.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was neither arrested at the spot nor any incriminating article recovered from his possession. His name transpired in the



confessional statement of a co-accused made before police. He has categorically stated in paragraph no.9 of the petition that he has no concern with the seized vehicle from which the alleged recovery took place. He has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the petitioner not being arrested at the spot, him not being the owner of the vehicle in question and not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Jagdishpur P.S. Case no.125 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1st, Bhojpur, Ara, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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