

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38327 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- MEHSI District- East Champaran

=====

UMESH KUMAR @ UMESH KUMAR SAH @ UMESH SAH SON OF
RAGHUBAR SAH @ RAGHUVAR SAH RESIDENT OF VILLAGE
CHAKBARA, PS- CHAKIA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Mehsi P.S. Case No.346 of 2022, registered for offence under Sections 30(a), 32(i)(ii), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1193 litres of illicit liquor from three vehicles.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted by



referring to paragraph no.11 of the present petition, that the petitioner is neither the owner of the truck in question, nor that of the Bolero pickup vehicle, nor that of the Santro car in question, from which the illicit liquor has been recovered, hence the petitioner is not having any complicity in the matter. It is next submitted that several co-accused persons have already been granted the privilege the anticipatory bail, by co-ordinate Benches of this Court vide orders dated 25.04.2023 and 15.05.2023, passed in Criminal Miscellaneous No.9608 of 2023 and Criminal Miscellaneous No.19626 of 2023.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted



the privilege of anticipatory bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, 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.1, Motihari, East Champaran in connection with Mehsi P.S. Case No.346 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

sonal/-

U		T	
---	--	---	--

