

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43266 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- JAYNAGAR District- Madhubani

Sanjay Kumar S/O Sinheshwar Prasad Yadav, R/O Village- Biraul, PS.
Khajauli, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 202 of 2023 dated 15.05.2023, registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the learned Court below.

3. As per the prosecution story, the informant and other personnel while on patrolling duty stopped one speeding *Scorpio* vehicle for checking and in the process recovered 2.180 litres of foreign liquor. It is further alleged that apprehended co-accused persons disclosed that the said vehicle belongs to the petitioner.

4. Learned counsel for the petitioner submits that 2.180 litres of foreign liquor has been recovered from the said *Scorpio* and 4 co-accused persons were also apprehended from the place of occurrence. The petitioner is made accused in the present case because he is the owner of the said *Scorpio*. The petitioner has no criminal antecedent and nothing has been recovered from his conscious possession.

5. Petitioner has agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that the petitioner has clean antecedent and nothing has been recovered from his conscious possession, I am inclined to grant anticipatory bail to the petitioner. Accordingly, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two

sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with **Jaynagar P.S. Case No. 202 of 2023**, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner will not indulge himself in any similar offence till conclusion of the trial.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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