

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45905 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- AAYAR District- Bhojpur

Sonu Kumar @ Motu Son Of Sunil Singh Resident Of Village- Mithala, Ps-
Dhangai, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Aayar P.S. Case No. 78 of 2023, registered on 10.06.2023, for the alleged offence under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, during checking of vehicles, a four wheeler was intercepted by the police and from the four wheeler, 100 liters of country made illicit liquor was recovered. The driver of the said vehicle was apprehended, who named this petitioner, who was also sitting with him and fled away from the vehicle on seeing the police party.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has been named in this case on the basis of statement of arrested co-accused Deepak Kumar and the petitioner is on inimical terms with this co-accused. The petitioner and the co-accused used to work in a cloth shop and co-accused committed theft and this fact was disclosed by the petitioner and for this reason, owner of the shop ousted the co-accused from the shop and since then the co-accused has been holding a grudge against the petitioner. The petitioner was not even present at the place of occurrence and he has no concern with the vehicle from which recovery has been shown. There has been no recovery from the conscious possession of this petitioner.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that co-accused named the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner's name came up only in the disclosure statement of co-accused with whom the petitioner is said to be on inimical term, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur, Ara/concerned court in connection with Aayar P.S. Case No. 78 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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