

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46041 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- SIKARPUR District- West Champaran

JHUNNA SAH @ JHUNU KUMAR son of Hiralal Sah @ Heera Shah Village- Ambedkar Nagar Near Swadeshi Chini Mill Narkatiaganj Ps- Shikarpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan Raj, Advocate

For the Opposite Party/s: Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. Petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 23 of 2023 dated 11.1.2023 registered for the offence punishable under Section 120-B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the First Information Report, the Police intercepted a tractor from which 609.240 litres of illicit liquor was recovered. One co-accused namely, Bhim Yadav sitting on the tractor was arrested, but some of the co-accused persons succeeded in fleeing away. The name of the petitioner and others have been disclosed by the arrested co-accused Bhim



Yadav.

4. Learned counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of disclosure of his name by the arrested co-accused. The petitioner is not the owner of the tractor which has been stated in paragraph 8 of this application. The petitioner is having no criminal antecedent and co-accused Nand Kumar Sah @ Nand Kishore Prasad and Bhola Chaudhary who are similarly situated to the petitioner have been granted anticipatory bail by co-ordinate Benches of this Court in Cr. Misc. 26244 of 2023 and 23623 of 2023 respectively.

5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is not the owner of the tractor in question from which the illicit liquor has been recovered, he is having no criminal antecedent and similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Benches of this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 23 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Ali/-

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

