

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50032 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- CHERIYA BARIYARPUR District- Begusarai

RAJU KUMAR Son of Uma Shankar Singh Resident of village - Manjhaul,
Lothiya Tola, ward no. 3, P.s. - Cheria Bariyarpur, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar Sinha
For the Opposite Party/s	:	Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Cheria Bariyarpur P.S. Case No. 89 of 2003 registered for the offences punishable under Sections 188 and 290 of the Indian Penal Code and sections 30(a)(b) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. As per prosecution case, informant got secret information that at Manjhoul O.P. near forest area, petitioner alongwith others unloaded the huge consignment of illicit liquor and hid the same nearby. Informant alongwith other raided the said place and on search 876.96 litre illicit liquor was recovered.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the case. He further submits that the name of the petitioner has transpired on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that petitioner is not present at the place of occurrence and the alleged recovery is made from the dense forest area which is an open place and accessible to all. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that co-accused, Sudhir Singh has already been granted anticipatory bail vide Cr. Misc. No. 36530 of 2023 by the co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner keeping in view the similar nature of criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted anticipatory bail by the co-ordinate



Bench of this Court, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Judge, Excise-I, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 89 of 2003, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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