

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57464 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- NIRMALI District- Supaul

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1. Ranjeet Sah @ Ranjeet Kumar S/O Jitendra Sah @ Jitan Sah R/O Village- Belha, P.S- Laukahi (Narahiya O.P.), Distt.- Madhubani.
 2. Lalit Sah S/O Jitendra Sah @ Jitan Sah R/O Village- Belha, P.S- Laukahi (Narahiya O.P.), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Ashok Kumar, learned counsel appearing on behalf of the petitioners and Mr. Umesh Lal Verma, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Nirmali P.S. Case No. 64 of 2023, registered under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the allegation made in the F.I.R., altogether 756 litres of country made Nepali liquor kept in cartons recovered from Sumo Victa bearing its Reg. No. DL3CAX-6031.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have



falsely been implicated in this case. He further submits that petitioners have no concern with the alleged recovered liquor. Learned counsel further submits that petitioners have clean antecedent. The name of the petitioners has been surfaced in the present case on the basis of confessional statement of Yogendra Kumar Yadav, who was alleged to be the driver of the aforesaid vehicle. The petitioners are neither owner or driver of the aforesaid vehicle.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioners as well as the fact that the name of the petitioners surfaced on the confessional statement of one Yogendra Kumar Yadav, I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. The Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) each with two sureties of the like amount each, to the satisfaction of learned Incharge Exclusive



Special Excise Court No. 02, Supaul in connection with Nirmali
P.S. Case No. 64 of 2023, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal
antecedent of the petitioners and if it is found that the petitioners
are involved in some other cases as what has been stated in
paragraph No.3 of the bail application, this order will
automatically loose its force.

(Purnendu Singh, J)

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