

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58517 of 2023

Arising Out of PS. Case No.-129 Year-2021 Thana- SONEPUR District- Saran

Vishwajeet Kumar @ Guddu Ray Son Of Kumar Varajaindra @ Kumar
Varajaindra Resident Of Village - Chhitar Pur, P.S. - Sonepur, District - Saran
@ Chapra

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sonepur P.S. Case No. 129 of 2021 instituted under Sections 30,
30(a), 38 and 40(i) of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, total 70 liters of
country made liquor was recovered from the Baburbani Diyara.
15 persons including the petitioner have been disclosed by the
Chowkidar alleging that they have fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Nothing incriminating material has been recovered from



the conscious possession of the petitioner. Petitioner was not present at the place of occurrence. Petitioner has falsely been implicated due to previous two criminal antecedents. The recovery of the seized liquor was from the open space accessible to all and which does not belong to the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 2, Saran at Chapra in connection with Sonapur P.S. Case No. 129 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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