

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59012 of 2023

Arising Out of PS. Case No.-259 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Rajeshwar Pandey S/O Late Amar Pandey Resident Of Village- Mahmadda, P.S- Piprakothi, Distt.- East Champaran.
 2. Santosh Sah S/O Wakil Sah R/O Village- Chaubetola, P.S- Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner submits that petitioner No. 2 has been arrested. Accordingly, he seeks permission to withdraw anticipatory bail application filed on behalf of petitioner No. 2.

3. Permission is accorded.

4. Anticipatory Bail Application of the Petitioner No. 2 is dismissed as withdrawn.

5. The petitioner No. 1 apprehends his arrest in connection with Excise P.S. Case No. 259 of 2021 registered for the offence punishable under Sections 30(a), 32, 41(i) and (ii) of



the Bihar Prohibition & Excise Act.

6. As per prosecution case, 5600 liters of raw spirit was recovered from the truck.

7. Learned counsel for the petitioner submits that petitioner No.1 is innocent and has been falsely implicated in this case. The petitioner is neither driver nor the owner of the said vehicle. There is no specific allegation against the petitioner No. 1. The petitioner No. 1 has no criminal antecedent. Other co-accused persons have been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 18.05.2023 in Cr. Misc. No. 29367 of 2023 and order dated 21.04.2023 in Cr. Misc. No. 72387 of 2022.

8. Learned APP for the State opposed the prayer for anticipatory bail.

9. Having regard to the facts and circumstances of the case, let the above named petitioner No.1, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of the learned Special Judge Excise Court No.2, Motihari, East Champaran, Motihari in connection with Excise P.S. Case No. 259 of 2021,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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