

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59598 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- BHAWANIPUR District- Purnia

Mithun Sah @ Lalo Sah @ Mithun Saw (M) aged about 40 years, Son of
Lakhan Sah Resident of Village- Sahidganj Santhali Tola, PS- Bhawanipur,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhawanipur P.S. Case No. 154 of 2023 dated 25.06.2023
instituted under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total 30 litres country
made *chulai* liquor was recovered from the two jars. One
person was arrested from the spot who disclosed the name of
the petitioner that he has 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. The petitioner has not been apprehended from the spot and there is no recovery from the conscious possession of the petitioner except the secret information and disclosure of the co-accused, there is nothing material against the petitioner. The petitioner has no criminal antecedent.

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 Court No. 2, Purnea in Bhawanipur P.S. Case No. 154 of 2023, 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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