

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58694 of 2023

Arising Out of PS. Case No.-589 Year-2022 Thana- RAJAON District- Banka

Sahansah Kumar @ Sahansaha Kumar Son Of Vinodi Yadav Resident of
Village - Mai, Dariyapur, P.S. - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, 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
Rajoun (Nabada) P.S. Case No. 589 of 2022 instituted under
Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is total recovery
of 71.4 liters of foreign liquor from the car of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He further submits that on the alleged date of occurrence
the vehicle of the petitioner was taken by his friend, namely,
Diwakar Kumar on account of medical emergency and the
petitioner has given his vehicle to him. Petitioner has no
concern with the seized liquor. He was not arrested from the



place of occurrence and there is no recovery made from the conscious possession of 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 Additional District & Sessions Judge – II, Banka in connection with Rajoun (Nabada) P.S. Case No. 589 of 2022, 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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