

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61933 of 2023**

Arising Out of PS. Case No.-127 Year-2022 Thana- PUSA District- Samastipur

Sanjay Kumar Singh S/O- Rajendra Singh Village- Morsand W.No-6, Ps-
Pusa Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Pusa P.S. Case No.127 of 2022 instituted under Sections 30(a), 32(i)(ii) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. There is a total recovery of 108.435 litres of Indian made foreign liquor from the *bathan* of co-accused as well as from four motorcycles, which were also parked there. The petitioner is owner of one of the seized motorcycles from which total 9 litres of Indian made foreign liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. One of the apprehended accused persons, namely, Raju



Kumar @ Hanuman, on the pretext of some necessary work, had taken the motorcycle of the petitioner. Nothing has been recovered from conscious possession of the petitioner. The petitioner was not apprehended on the spot. He was not named as absconding accused. The petitioner has got no criminal antecedent.

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

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 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Samastipur in connection with Pusa P.S. Case No.127 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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