

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65049 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- BIKRAM District- Patna

SANJAY KUMAR SINGH Son of Satrudhan Prasad R/o vill - Kumhrar, P.S. -
Phenhara, Distt. - East Champaran, Present at Mohalla Vijay Nagar, P.S. -
Rupaspur, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Samarjeet Singh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Vikram P.S. Case No. 61/2021 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B)/34 of the Indian Penal Code and Sections 30 (a), 36, 41 (i) (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, informant alongwith police officials apprehended nine persons alongwith truck and other small vehicles from where 1422 liters foreign liquor was recovered. It is alleged that from Scorpio vehicle in question 72 liters foreign liquor was recovered.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner bears no criminal antecedent. He further submits that the petitioner is not named in the FIR and during the course of investigation, the name of petitioner transpired in this case as the owner of Scorpio vehicle in question. He further submits that the petitioner was not present at the place of occurrence. He further submits that the petitioner has given the vehicle on rent and on the alleged date of occurrence, his vehicle has been hired and the petitioner had no knowledge about the said occurrence. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The 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, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Vikram P.S. Case No. 61/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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