

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65230 of 2023

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

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Ganesh Singh @ Ganesh Sharma @ Ram Manohar Sharma @ Manohar
Sharma S/O Late Ramakant Sharma Village- Lagma, Ps- Dumra, Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Binod Kumar

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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.

The petitioner is apprehending his arrest in connection with Runnisaidpur P.S. Case No. 491/2020 registered for the offences punishable under Sections 414 IPC and 30(a), 38(i) (ii), and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the informant along with police officials recovered 260.250 litre foreign liquor from pick up Bolero Maxi Truck, 180 litres of foreign liquor from a sumo vehicle, 90 litre foreign liquor from a Maruti Swift Car and 27 litres of foreign liquor from a Bajaj Motorcycle. It is further alleged that 2405.460 litres of foreign liquor was recovered from the house of co-accused namely, Manoj Kumar which was used by co-accused Amit Prasad and other. In that way, total recovery of



2962.710 litres of foreign liquor was made from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced upon the confessional statement of co-accused Amarjit Kumar @ Ujjwal Singh which has no evidentiary value in the eyes of law. Except the disclosure of apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. It is further submitted that petitioner is not the owner of any of the vehicles which were seized in the present case. Nothing has been recovered from his conscious possession. Petitioner has nothing to do with the alleged occurrence. He further submits that co-accused Manoj Kumar @ Manoj Prasad, Amit Kumar @ Amit Prasad, Vijay Kapar @ Vijay Kumar Kapar and Kundan Singh have already been granted anticipatory bail by the coordinate bench of this Court vide Cr. Misc Nos. 32308/2021, 34966/2021, 42793/2021 and 7037/2022 respectively and the case of present petitioner stands on better footing keeping in view that he is not named in the FIR and no incriminating article has been recovered from his conscious possession. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



Petitioner bears criminal antecedent of two cases in which he is on bail. In light of the aforesaid facts and circumstances, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, co-accused persons have already been granted anticipatory bail by the coordinate bench of this Court 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 Exclusive Special Excise Court-I, Sitamarhi/ Competent Jurisdiction in connection with Runnisaidpur P.S. Case No. 491/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This application stands allowed.

(Alok Kumar Pandey, J)

asmit/alok/-

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