

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71291 of 2023**

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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SUSHIL SAH @ SUSHIL SHA S/O BAIDYA NATH SAH @ BIJANATH
SHA R/O VILLAGE- 24 MILE SEVOKE ROAD, LOWER BHANU
NAGAR, SILIGURI WARD NO. 43, P.S- SILIGURI, DISTT.- JALPAIGURI,
WEST BENGAL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises
out of Bhairvasthan Police Station Case No. 183 of 2022,
disclosing offence under Sections 341, 420, 467, 468, 471 of the
Indian Penal Code and Sections 30(a)/32/36/41 of the Bihar
Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the
Act’).

3. As per the First Information Report, 1548 liters of
wine was recovered.

4. Learned Counsel for the petitioner submits that
there is no allegation of tampering of witnesses alleged against
the petitioner. The petitioner has falsely been implicated in this



case. The name of the petitioner has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1548 liters wine is recovered from the truck. The truck in question does not belong to the petitioner. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 29-04-2023 and 07.04.2023 (Annexure 2) by which similarly situated persons have been granted bail by a Co-ordinate Bench of this Court.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the name of the petitioner has transpired in this case on disclosure made by co-accused, the truck in question does not belong to the petitioner and nothing incriminating has been recovered from the conscious possession of the petitioner, similarly situated persons have been granted bail, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Sushil Sah @ Sushil Sha, in the



event of his arrest or surrender before the Court below within four weeks, 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 Court of Special Judge, Excise, Jhanjharpur, Madhubani, in connection with Bhairvasthan Police Station Case No. 183 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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