

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7919 of 2024

Arising Out of PS. Case No.-436 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Kishan Sah @ Krishna Mohan Sah S/o Musai Sah @ Ram Bahadur Sah R/o
Vill - Shivdaha, P.S. - Gaighat, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Gaighat P.S. Case No.436/2023 registered for the offence punishable
under Sections 414/34 of the I.P.C. & Sections 30(a) and 41(1) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 111 litres of liquor from the house of Brij Mohan @
Kishan and 99 litres of liquor from a pick up van. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession. It is next
submitted that petitioner being the owner of the pick up van came to
be implicated. It is next submitted that no prudent person would use
his own vehicle for committing an occurrence and thus would create



evidence against himself and hence would get implicated. It is next submitted that Brij Mohan @ Kishan had booked his pick up van for carrying goods as such he was completely unaware that the vehicle would be misused in the manner as alleged, as Brij Mohan in police custody also implicated the petitioner falsely in his confessional statement when petitioner admittedly is a person with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-III, Muzaffarpur in connection with Gaighat P.S. Case No.436/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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