

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10088 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- AMNAUR District- Saran

Arvind Sah @ Arvind Kumar Sah S/o Rajendra Sah R/o Vill - Bhatgai, P.S. -
Taraiya, Dist. - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Amnour P.S. Case No. 301/2023 registered for the offences punishable under Sections 30(a), 33 and 34 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 144 liters foreign liquor was recovered from the Bathan of the co-accused Pankaj Singh. Apprehended co-accused Umashankar Sah disclosed the name of petitioner and others who fled away from the place of occurrence.

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.



Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner bears criminal antecedent of two cases of similar nature in which he is on bail. He further submits that the said liquor was recovered from the Bathan of co-accused Pankaj Singh and the petitioner was not concerned with the seized liquor. Seizure list has not been prepared as per law. He further submits that the petitioner has been roped in a case one after another in a routine manner. In the light of aforesaid submission, no offence is made against the petitioner in the aforesaid sections.

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, 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 Additional District



and Sessions Judge-II cum 1st Exclusive Special Judge, Excise,
Saran, Chapra in connection with Amnour P.S. Case No.
301/2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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