

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12538 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Sanjeev Kumar @ Jhallu Rai @ Sanjeet Kumar S/O Tewari Rai @ Tiwari Rai
R/O Village- Bajitpur Meyari, P.S- Sarairanjan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sarairanjan P.S. Case No. 365 of 2022, instituted for the offences punishable under Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the Indian Penal Code, Sections 25(1-B)(a), 26, 27, 35 of the Arms Act, Sections 30(a), 32(i), 32(ii), 36, 41(i), 45 and 62 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2615.865 liters liquor was recovered from different vehicles.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No



incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The name of the petitioner was disclosed by the villagers. The petitioner is neither owner of the godown nor the vehicles. The petitioner is in custody since 05.01.2024 and has got two criminal antecedents in which the petitioner is on bail in one case. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail and regular bail by Co-ordinate Benches of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 29268 of 2023, order dated 05.05.2023 passed in Cr. Misc. No. 17858 of 2023 and order dated 03.01.2024 passed in Cr. Mis. No. 86318 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sarairanjan P.S. Case
No. 365 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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