

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24511 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- KANTI District- Muzaffarpur

Sunil Kumar @ Sunil Sah Son of Bhagyanarayan Sah Resident of Village-
Tengrari, P.S.- Siwaipatti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kanti P.S. Case No. 965/2023, ABP No. 843 of 2024 registered for the offences punishable under Sections 30 (a), 32 (2), 32(3), 36, 41(1), 41 (2) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there was alleged recovery of total 5670 liter foreign liquor from a truck and four Pick-up vehicles in question. It is further alleged that co-accused Deepak Kumar was apprehended on spot who disclosed the name of petitioner and others who succeeded in fleeing 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 on account of previous criminal antecedent. Petitioner bears criminal antecedent of two cases and in both cases he is on bail. Petitioner was not apprehended on the spot and his name has surfaced in this case upon the disclosure of co-accused Deepak Kumar. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel for the petitioner submits that petitioner is not the owner nor the driver of any of the seized vehicles in question. The petitioner is not in any way connection with the alleged occurrence. He further submits that in the light of the given facts and circumstances, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act. Seizure list has not been prepared as per law. On similar and identical allegations, co-accused Jitendra Rai has already been granted anticipatory bail by this Court vide Cr. Misc. No.23844/2024 and the case of present petitioner stands on similar footing.

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, co-accused has already been granted anticipatory bail, 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 Judge Excise Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 965/2023, ABP No. 843 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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