

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42905 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- Excise P.S. District- Madhubani

Rajnish Sahu Son of Bindeshwar Sahu @ Vindeshwar Sah Village- Lorika,
P.S.- Benipatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with G.O. No.3997 of 2023 arising out of Excise P.S. Case No.707 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3. There is recovery of 39.9 litres Nepali liquor from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only because he is the owner of the motorcycle. The petitioner was not arrested from the spot nor any incriminating material has been recovered from his conscious possession. The seized liquor does not belong to the petitioner. The said



motorcycle was taken by his friend Bablu Kumar Sahni for purchasing medicine and the petitioner had no knowledge about illegal activity of Bablu Kumar Sahni. The petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner 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 Additional Sessions Judge II-cum-Special Judge Excise Act, Madhubani in connection with G.O. No.3997 of 2023 arising out of Excise P.S. Case No.707 of 2023 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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