

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48446 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- Excise P.S. District- Samastipur

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Ankesh Anand Son of Sri Sanjay Kumar Thakur @ Sanjay Thakur (Wrongly mentioned as 25 years in the F.I.R.), Resident of Village - Balapur @ Balapur Birsinghpur, P.S.- Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Jha, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sadar P.S. Case No. 452 of 2023 (Excise G.R. No. 605 of 2023) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, the police has recovered 718.200 liters illicit foreign liquor from the house constructed near the field of co-accused Akshat Sharma.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case mere on suspicion. He further submits that nothing incriminating has been recovered from his conscious possession



of the petitioner. The petitioner has no concern with co-accused Akshat Sharma from whose house, the alleged recovery of foreign liquor has been made. The petitioner has one criminal antecedent in which he is on anticipatory bail as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Akshat Sharma @ Akshat Ishan has been granted regular bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 29098 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Sadar
P.S. Case No. 452 of 2023 (Excise G.R. No. 605 of 2023),
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

(Rudra Prakash Mishra, J)

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