

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48345 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- GHORASAHAN District- East Cham-
paran

Sanjay Sah S/o Late Surendra Sah R/o vill - Ghorasahan Virta Chuak Pani
Tanki, P.S. - Ghorasahan, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
Mr. Hemant Ray, Adv
For the Opposite Party/s: Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Ghorasahan P.S. Case No. 149 of 2024 for the offence reg-
istered under sections 30(a), 41(i) of the Bihar Prohibition and
Excise Act lodged on 21.03.2024 by the informant Narmdesh-
war Singh.

3. As per the prosecution story, the informant alleged
that in course of patrolling, tried to intercept a motorcycle but
the accused escaped after throwing the bag and there is recovery
of 41.40 liters of *Nepali liquor*. The locals identified them as
Sanjay Sah (the petitioner herein) and Bhola Sah. Accordingly
the FIR.



4. Learned Counsel for the petitioner submits that only because of earlier cases against him, the locals implicated him. Nothing has been recovered from his conscious possession nor the motorcycle which has been named in the FIR belongs to him.

5. Learned APP for the State, Mr. Bharat Bhushan on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts as also that the petitioner is not the owner of the vehicle and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 149 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to



show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

