

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50682 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- CHENARI District- Rohtas

Santosh Kumar @ Ranjit Kumar Singh Son of Late Anirudh Singh Village-
Kewardih, Ps- Kudra, Dist- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

**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 Chenari P.S. Case No. 139 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 (amended in 2018).

3. As per prosecution case, the police has recovered total 1226.88 liters of illicit foreign liquor of different brands from the alleged vehicle Mahendra Tractor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner was not caught at the place of occurrence and, thus, nothing



incriminating has been recovered from his conscious/physical possession. The petitioner is the owner of the alleged Tractor. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the arrested co-accused person. The petitioner does the business of transportation of bricks at local order but, he had no knowledge as to how and from where the illicit wine was kept inside the trolley beneath the bricks which is best known either to the arrested co-accused or the Informant. Save and except the confessional statement of the arrested co-accused, nothing has come against the petitioner. The petitioner has one criminal antecedent in which he is on 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, who is the driver of the alleged Tractor, namely Devendra Ram @ Mala has already been granted regular bail by this Court vide order dated 25.06.2024 passed in Cr. Misc. No. 43704 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 Chenari P.S. Case No. 139 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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