

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51890 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SANJHOLI District- Rohtas

Gopal Sabu @ Gopal Saboo, aged about 72 years, Male, Son of Murlidhar Sahu, Resident of Mohalla - Saket Bihar Colony, Brij Niwas, Mudhawa, P.S.- Renukut (U.P.), District – Sonbhadra.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sanjhauli P.S. Case No. 55 of 2024 dated 23.03.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 402 litres illicit foreign liquor was recovered from the Truck in question and from the said *Truck*, the co-accused Banarsi Yadav (driver) and Dharamendra Ram (cleaner) were apprehended.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is not named in the F.I.R. His name has surfaced in the present case because the *Truck* in question is registered in the name of the petitioner. It is further submitted that the said *Truck* was already sold to Kiran Devi, Gardhva, Jharkhand and Banarshi Yadav who was apprehended as a driver of the said Truck through a deed of agreement by the Notary Public on 01.07.2023 and the said deed of agreement is annexed as Annexure-P/2 to the present bail application. The said Truck was not driven by the petitioner at the time of alleged occurrence. The petitioner was not arrested at the place of occurrence. There is no statutory compliance of Section 100 of the Cr.P.C. The other co-accused persons Banarsi Yadav and Dharmendra Ram have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 35392 of 2024 under order dated 08.05.2024. The petitioner has clean antecedents as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Sanjhauli P.S. Case No. 55 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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