

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51042 of 2024

Arising Out of PS. Case No.-514 Year-2022 Thana- TAJPUR District- Samastipur

Santosh Puri son of Harekrishan Puri Village- Raypur Buzurg Ps- Sarairanjan
Dist- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No. 514 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, informant got secret information that petitioner and others brought liquor from pickup van to sell the liquor. On the aforesaid information, 90 litre foreign liquor was recovered from Wagon R car in question. Further, 795.360 litre illicit liquor was also recovered from the Mahindra Bolero Pick-up van in question.

4. Learned counsel for the petitioner submits that



on similar and identical allegation, co-accused Vikash Sahni @ Vikash Kumar Sahni has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 31682 of 2023 and the case of present petitioner stands on similar footing and on the principle of parity, he also deserves bail. He further submits that petitioner is not owner of any of the seized vehicles in question. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that in the F.I.R., it has been mentioned that the name of the petitioner has been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also



taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Judge-2, Samastipur in connection with Tajpur P.S. Case No. 514 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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