

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54740 of 2024

Arising Out of PS. Case No.-8 Year-2019 Thana- DARIYAPUR District- Saran

SANJEEV KUMAR @ PAPPU SINGH @ PAPPU SIPAHI S/O SAWALIYA
KUNWAR R/O VILLAGE- BANGARA- HARIHARPUR, P.S.-
BANIYAPUR, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-08-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner seeks anticipatory bail in
anticipation of his arrest in connection with
Dariyapur P.S. Case No. 08 of 2019, registered for
the offences punishable under Sections 30, 30(a),
38 and 41 of the Bihar Prohibition and Excise Act,
2016.

3. The allegation is regarding recovery of
4294 litres of illicit liquor from a truck.

4. The learned counsel for the petitioner
has submitted that the petitioner is innocent and
he has been falsely implicated in the present case.
It is further submitted that the petitioner has been



implicated in the present case merely on account of his bad antecedent and in fact neither he has been named in the FIR nor the apprehended person, namely, Shailesh Kumar had taken the name of the petitioner at the time of his arrest by the police from the spot, nonetheless, one Pankaj Singh, after he was arrested by the police later on, in his confessional statement, has named the petitioner to be one of his accomplice, who had ran away at the time of search and seizure. It is next submitted that similarly situated co-accused persons have already been granted regular/anticipatory bail by this Court as also by coordinate Benches of this Court vide orders dated 13.12.2021, 11.02.2019 and 01.03.2019 passed in Criminal Misc. No. 34622 of 2021, Criminal Misc. No. 7619 of 2019 and Criminal Misc. No. 12822 of 2019. Lastly, it is submitted that admittedly neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from him, hence no case is made out qua the petitioner herein under the provisions of the Bihar Prohibition



and Excise Act, 2016 (hereinafter referred to as the 'Act, 2016'), hence the bar under Section 76(2) of the Act, 2016 shall not be an impediment to grant bail to the petitioner herein. It is next submitted that the petitioner undertakes to comply with such conditions, as this Court may deem fit and proper to impose upon the petitioner, for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the case of the petitioner stands on a better footing than those co-accused persons, who have already been granted the privilege of regular/anticipatory bail, apart from the fact that neither the petitioner has been arrested from the spot nor illicit liquor has been recovered from his



possession, this Court finds that prima facie no case is made out under the provisions of the Act, 2016, hence the bar under Section 76(2) of the Act, 2016 shall not come in the way of this Court to grant anticipatory bail to the petitioner herein, thus I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 01st Exclusive Special Excise Court, Saran at Chapra in connection with Dariyapur P.S. Case No. 08 of 2019, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

8. It is further directed that the petitioner shall mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00



A.M. on every Monday of the week, starting from the day he is released from custody and in the event of his failure to do so on two consecutive occasion, the present privilege of bail being extended to him shall stand cancelled automatically and the petitioner shall be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

