

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64531 of 2024**

Arising Out of PS. Case No.-213 Year-2023 Thana- SINGHWARA District- Darbhanga

Pawan Sah @ Pawan Kumar Sah, aged about 35 years, Male, Son of Raj Kishor Sah @ Raj Kishor Sahu, Resident of Village- Bharwara, P.S.- Singhwara, District – Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saurav Anand, Advocate

For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Singhwara P.S. Case No. 213 of 2023 dated 07.11.2023 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 67.140 litres of illicit foreign liquor was recovered from the Tempo.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered from his possession. The petitioner is neither the



owner nor the driver of the Tempo in question. The name of the petitioner has come in the present case on the basis of the confessional statement of the apprehended co-accused person Abhishek Kumar which has got no evidentiary value in the eye of law. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Dhyani Yadav @ Dhyani Kumar Yadav has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 15507 of 2024 under order dated 11.03.2024, annexed as Annexure-P/2 to the present bail petition. The petitioner has one criminal antecedent in which he is on bail 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 Judge-II (Excise Act), Darbhanga, in connection with Singhwara P.S. Case No. 213 of 2023,



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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