

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68116 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- PATEPUR District- Vaishali

Sanjeet Sah Son of Late Dayali Sah R/o vill - (Maheya) Malpur, Lohanipatti,
P.S. - Patepur, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Patepur P.S. Case No.189 of 2023, registered on 29.07.2023, for the alleged offence under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, on secret information that petitioner and co-accused, Saroj Rai, had been unloading a consignment of illicit liquor, a raid was conducted and recovery of 959.04 liters of India made foreign liquor was made. A white colour pick-up van was also seized. It is further alleged that two persons fled away from the spot and local *chowkidar* identified the petitioner as one of the persons who fled away from the spot



with another co-accused.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do either with the seized liquor or with the pick-up van. A supplementary affidavit has been filed on behalf of the petitioner denying the fact that the petitioner is the owner of the seized pick-up van bearing Registration No. UP-16 GT-8466 and he has no concern with the said van. Learned counsel further submits that the entire allegation against the petitioner is based on suspicion as nothing has come on record to show his involvement in the occurrence. The petitioner is having criminal antecedent of two cases and in both cases he has been granted bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur/concerned court in connection with Patepur P.S. Case No. 189 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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