

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74348 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

RAJ KUMAR SAH Son of RAM CHANDRA SAH resident of Village-
Minapur Centre, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Minapur Police Station Case No. 85 of 2022, dated 23.02.2022, disclosing offences under Sections 272/273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act and Section 20/22 of the Narcotic Drugs and Psychotropic Substances Act.
3. The prosecution case, as per the First Information Report, is that during the course of patrolling, the informant received confidential information that a consignment of spirit has been brought from outside and the same has been concealed near Dharpur river, proceeded towards the



place of occurrence, the accused persons, total seven in numbers, upon seeing the police party, started fleeing away, out of which two persons were arrested. The police recovered 30 and 20 sachets of smack like substance from their possession and also recovered 30 liters of spirit kept in a gallon and one motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of disclosure of his name by the arrested accused persons. He next submits that the police, in the First Information Report, has not disclosed the quantity of contraband substance recovered from the possession of the arrested persons, however, no contraband substance has been recovered from the possession of the petitioner. The liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner. He further submits that co-accused person, whose name has come on the basis of confessional statement of the arrested co-accused persons, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 56545 of 2022.



5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, in connection with Minapur Police Station Case No. 85 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

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

