

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70215 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- KISHANPUR District- Supaul

Bharat Kumar Sah S/O Jeevachh Sah R/O Village- Mahipatti, Ward No.8,
P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kishanpur P.S. Case No. 50 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act, 2016.

3. As per prosecution case, the police has recovered
387 liters illicit liquor from the car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
only on the suspicion. The petitioner is the owner of the vehicle,
in question. The petitioner was not present in the vehicle at the



time of alleged occurrence and the petitioner has been implicated in this case only on the basis of being an owner of the car. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Chandar Kumar @ Chandu has been granted regular bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 38095 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kishanpur P.S. Case No. 50 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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