

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75591 of 2024

Arising Out of PS. Case No.-256 Year-2022 Thana- BARACHATTI District- Gaya

Suraj Sao @ Suraj Kumar Sao Son of Jagdish Sao Resident of Village -
Jaridih Upper Bazar, Bermoo, P.S. - Gandhi Nagar, District - Bokaro,
Jharkhand - 829114

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Upadhyay

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barachatty P.S. Case No. 256 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 720 litre illicit liquor was recovered from the Pick-up van in question and co-accused Vishwanath Mahto and Golu Kumar were apprehended at the place of occurrence. Apprehended co-accused Golu Kumar disclosed that they were going to supply the alleged liquor to petitioner and others.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Except disclosure of the apprehended co-accused Vishwanath Mahto and Golu Kumar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is neither owner nor driver of the said Pick-up van in question. No incriminating article has been recovered from the conscious possession of the petitioner. He was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-02, Gaya (Bihar) in connection with Barachatty P.S. Case No. 256 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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