

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86941 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- DHANKUND District- Banka

Sambhu Prasad Singh S/o Ramakant Singh R/o Village- Dularpur, Naya Tola,
Ward No 4, PS- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Dankund P.S. Case No. 26 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, the police has recovered
total 5097.6 liters of illicit liquor from the truck bearing Regd.
No. BR09GA 6815.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. He further submits that the petitioner was the prior owner of the alleged truck before the year 2020 and, thereafter, the petitioner sold the same on 09.09.2020 in favour of Govind Kumar Thakur and, thus, the petitioner has now no concern with the truck, in question. The petitioner has also no concern with the recovered liquor. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

4. Learned counsel for the petitioner further submits that the co-accused Rakesh Ranjan @ Rakesh Mahto has already been granted anticipatory bail by this Court vide order dated 27.09.2024 passed in Cr. Misc. No. 71509 of 2024.

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

6. 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 Dankund P.S. Case No. 26 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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