

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83558 of 2024

Arising Out of PS. Case No.-164 Year-2021 Thana- BHAGWANPUR District- Vaishali

Sanjeet Kumar @ Sanjit Kumar, Son of Shivji Prasad Singh @ Shivjee Singh,
Resident of Ward No 6, Karhari, PO- Bhagwanpur, PS- Bhagwanpur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate. Mr. Pranav Kumar Jha, Advocate.
For the Stae	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bhagwanpur P.S. Case No. 164 of 2021 dated 26.07.2021, registered for the offences punishable under Sections 467, 468, 272 and 273 of the Indian Penal Code read with Section 30(A), 36, 41(i) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per allegation, total 3407.76 liters of liquor was recovered from a truck, bearing Registration No. JH-02U-6693 and a pick-up van, bearing Registration No. BR-06GB-1773.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither driver nor owner of the vehicle and he is not in anyway connected with the alleged recovery of liquor. Only suspicion has been raised against him. He also submits that similarly situated co-accused has been enlarged on regular bail by this Court vide order dated 6.7.2022 passed in Cr. Misc. 6455 of 2022.

5. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

6. It has further been stated that the petitioner has got no criminal antecedent.

7. However, learned APP for the State has opposed the prayer for anticipatory bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum 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-cum-Additional



District & Sessions Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 164 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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