

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9998 of 2025

Arising Out of PS. Case No.-276 Year-2024 Thana- NAUTAN District- Siwan

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Anup Kumar Sah @ Baharan S/o Dhanesh Sah Resident of Village - Khalwa,
P.S. - Nautan, District - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 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 Nautan PS. Case No. 276 of 2024 dated. 03.11.2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, altogether 900 ml liquor was recovered from a motorcycle and a cow shed of the co-accused, Sadan Manjhi. As per the further allegation, the motorcycle was abandoned by the petitioner and the co-accused, Manish Kumar Kushwaha.

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 allegedly recovered motorcycle does not belong to the petitioner nor has he anything to do with the alleged offence. He also submits that there is no material available on record to connect the petitioner with the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for 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 Judge, Court No-II, Siwan, in connection with Nautan PS. Case No. 276 of 2024 ,



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 criminal antecedents other than the disclosed one, learned 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 his 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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