

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85721 of 2024

Arising Out of PS. Case No.-422 Year-2024 Thana- BYPASS District- Patna

Saroj Kumar Son of Baidhnath Purwe @ Vaidhnath Purwe Resident of House
No. 202, Bhutahi, P.S. - Sonbarsha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-01-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Bypass Police Station Case No. 422 of 2024, dated 14.09.2024, disclosing offence under Section 30(a)/37 of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police, on secret information that one Sanjeev Kumar is indulged in business of illicit liquor in his house at village Bahari Dhawalpura, reached at the place of occurrence. On seeing the the police, one person started fleeing away and succeeded in it and during search, three co-accused persons, namely, Avinash Raj, Abhijit Kumar



and Rakesh Kumar, were apprehended from the house, who later disclosed the name of the petitioner and other accused persons. Upon search, the police recovered 8.625 liters of country made liquor.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to oblique motive and village politics. The name of the petitioner has transpired on the basis of disclosure made by the apprehend co-accused persons. He next submits that illicit liquor has not been been recovered from conscious possession of the petitioner and/or from the premises belonging to him. Rather, the same has been recovered from the house of co-accused Sanjeev Kumar. The petitioner has got no criminal antecedent.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent, name of the petitioner has transpired on the basis of disclosure made by apprehended co-accused persons and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from the house of co-accused person, I am inclined to grant the



petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City, in connection with Bypass Police Station Case No. 422 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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