

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38201 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- PAROO District- Muzaffarpur

LOKESH KUMAR S/O KIRISHNADEO TIWARY R/O Village- Fatehpur,
P.S- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Paroo P.S. Case No. 414 of 2022, registered for the offences punishable under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation is that some altercation had taken place in between the two sons of the informant, one of them being the petitioner herein, on account of distribution of money relating to the business of illicit liquor and when the informant had tried to pacify the matter, they had assaulted the informant and while they were fleeing away, the accused person, namely, Bikesh Kumar was arrested



and upon search 400 ml. Illicit liquor was recovered from the house in question.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is having no complicity in the matter and in fact the illicit liquor has been recovered from the house of the informant, hence there is no impediment in grant of anticipatory bail to the petitioner herein.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the illicit liquor has not been recovered from the petitioner but from the house of his father, *prima facie* no case is made out under the provisions of the



Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act, 2016), hence the bar under Section 76(2) of the Act, 2016 shall not be an impediment in grant of anticipatory bail to the petitioner, thus I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 414 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

