

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49306 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- BAKHTIYARPUR District- Patna

Monu Kumar, S/O- Sanjiv Ray, Village- Mahmudpur Ranisaray Ps-
Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Pd. Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bakhtiyarpur P.S. Case No. 172 of 2023, registered on 29.04.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police stopped a motorcycle during vehicle checking which was started on the basis of secret information about transportation of illicit liquor. Co-accused was apprehended and from the motorcycle, 51 litres country made liquor was recovered. Co-accused disclosed the name of the petitioner for whom he has been transporting the illicit liquor.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is not involved in any manner with the alleged recovery. Petitioner has no concern either with the seized motorcycle or the illicit liquor. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner has been named in this case only on the basis of confessional statement of co-accused without showing any recovery from his conscious possession, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Barh, Patna/court concerned, in connection with Bakhtiyarpur P.S. Case No. 172 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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