

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45216 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- PASRAHA District- Khagaria

AKHILESH KUMAR SON OF VINOD KUMAR SINGH VILL NAULA
MAKHAWA WARD NO. 07, PS BEERPUR, DIST BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Pasraha P.S. Case No. 99 of 2023, registered for the offence punishable under Sections 467, 468, 471, 482, 120(B) of the Indian Penal Code and Sections 30(a), 32, 41 of the Bihar Excise and Prohibition Act, 2018.

3. The allegation is regarding the informant along with his police force having intercepted a Swift Dzire vehicle and upon search, 898.2 liters of illicit liquor was recovered and the driver was arrested, who, upon interrogation, disclosed the complicity of the petitioner and others in the alleged occurrence.

4. The learned counsel for the petitioner submits 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, by referring to paragraph no. 10 of the present petition that the car in question does not belong to the petitioner and moreover, the name of the petitioner has transpired in the present case, upon the confessional statement made by the driver, who is also co-accused in the present case, which has got no evidentiary value in the eyes of law, hence, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”).

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question belongs to the petitioner, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of the Act, 2016, hence, the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein,



thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Khagaria, in connection with Pasraha P.S.Case No. 99 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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