

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47004 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- GOH District- Aurangabad

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DHEERAJ KUMAR S/O RAMCHANDRA YADAV R/O VILLAGE-
BAZAR BARMA, KAITHISIRO, PS. GOH, DIST. AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Vishal
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Goh P.S. Case No. 338 of 2022 registered for
the offences publishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.
3. As per prosecution case, there is alleged recovery
of 40 liters mahua liquor which was thrown away from the
motorcycle in question. Mahal Dafdar disclosed the name of co-
accused Rakesh Kumar who fled away from the place of
occurrence and F.I.R. has been lodged against co-accused
Rakesh Kumar and owner of said motorcycle.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the F.I.R. and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel further submits that petitioner is not named in the F.I.R. He has been implicated in the present case as owner of the seized motorcycle. Petitioner has no knowledge about the alleged recovery from the motorcycle. The motorcycle is used by petitioner's brother namely Rakesh Kumar (co-accused) on the alleged date of occurrence. Petitioner was not present at the place of occurrence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. There is no independent witness to the alleged occurrence. There is violation of Section 100 of the Cr.P.C. Learned counsel further submits that in the aforesaid facts and circumstances of the case, no offence under Excise Act is made out against the petitioner

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the petitioner and also taking into consideration the materials available on record, the



petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise II, Aurangabad in connection with Goh P.S. Case No. 338 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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