

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46999 of 2023

Arising Out of PS. Case No.-381 Year-2023 Thana- GAYA MUFASIL District- Gaya

PAPPU KUMAR SON OF MAHESH YADAV RESIDENT OF VILLAGE -
TETARIYA, KARIYADPUR, PS- TANKUPPA DISTT - GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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 Muffasil P.S. Case No. 381 of 2023 registered
for the offences publishable under Sections 30(a) and 37 of
Excise Act.
3. As per prosecution case, there is alleged recovery
of 15.375 liters illicit liquor from the motorcycle in question and
F.I.R. has been lodged against the driver and the 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. 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. Seizure list has not been made as per law. Learned counsel further submits that the people of locality has come to the petitioner and requested for the motorcycle and thereafter relying on his version the petitioner has given his motorcycle to the people of the vicinity who has committed mischief with the petitioner. 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 – 1, Gaya in connection with Muffasil P.S. Case No. 381 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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