

Arising Out of PS. Case No.-145 Year-2023 Thana- ROSHANGANJ District- Gaya

- Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2023

1. Heard learned counsel for the petitioners and
P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Raushanganj P.S. Case No. 145 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, there is alleged recovery of 120 liters illicit liquor from two motorcycles in question. Apprehended co-accused Surendra Manjhi disclosed the name of petitioners and other who fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged in the F.I.R. Petitioners bears no criminal antecedent. Learned counsel further submits that petitioners were not present at the place of occurrence. On the basis of disclosure of co-accused Surendra Majhi, Petitioners have been implicated in the present case. Except disclosure of co-accused Surendra Manjhi, there is nothing on record to demonstrate the complicity of the present petitioners. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern either with the seized liquor or with the motorcycles in question. There is no independent witness. There is violation of Section 100 of the Cr.P.C. Learned counsel further submits that in the light of aforesaid facts and circumstances of the case, no offence under the provisions of Bihar Prohibition and Excise Act is made out against the petitioner.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of the parties and also taking into consideration the materials available on record, in the event of their 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 Exclusive Special Excise Judge No. 3, Gaya, in connection with Raushanganj P.S. Case No. 145 of 2023subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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