

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46327 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- MANSI District- Khagaria

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HIRA KUMAR @ HIRALAL @ RAJ KUMAR Son of Ramsevak Yadav
Resident of village - Khutiya, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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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/her arrest in connection with Mansi P.S. Case No. 53 of 2023 registered for the offences punishable under Sections 30(a), 37 of the Bihar Prohibition and Excise Act.
3. As per prosecution case, 5 litre *chulai* wine was recovered from the street situated in front of the house of the petitioner and the co-accused Lalan Kumar was apprehended on spot and he disclosed the name of the present petitioner who flew away from the place of occurrence.
4. Learned counsel for the petitioner submits that as per FIR the petitioner name transpired in the case upon



disclosure of co-accused Lalan Kumar. Petitioner has no concern with the seized liquor in question. Seized liquor was not recovered from the conscious possession of the petitioner nor the signature of any family member of the petitioner was available on the seizure list. Petitioner was not found at the place of occurrence. There is a violation of 100 Cr.P.C. Petitioner is quiet innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this case with ulterior motive. Petitioner bears no criminal antecedent. he further submits that in the light of said submission, no offence is made out under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently 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 both sides and also taking into consideration the material 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 Exclusive Special
Excise Judge- 1st Khagaria in connection with Mansi P.S. Case
No. 53 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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