

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46843 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- JOKIHAT District- Araria

JANAK LAL BISHWAS SON OF LATE TEIKMAN BISHWAS RESIDENT
OF VILLAGE- BARA BAJIDPUR CHAINPUR, PS- JOKIHAT
(MAHALGAON), DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Jokihat (Mahalgaon) P.S. Case No. 163 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 5 litre country made chulai liquor from the dickey of motorcycle in question. It is further alleged that driver of the said motorcycle fled away from the place of occurrence. Hence, F.I.R. has been lodged against the owner of the motorcycle in question.

4. Learned counsel for the petitioner submits that



petitioner is not named in F.I.R. and during the course of investigation the name of petitioner has been transpired in this case as owner of the motorcycle in question, as mentioned in impugned order. He further submits that petitioner is not present at the place of occurrence and nothing has been recovered from the possession of the petitioner. He further submits that no material came forward to show that on the alleged date of occurrence the said motorcycle was driven by the petitioner and due to ill motive the petitioner has been made accused in this case. He further submits that there is nothing on record to show that petitioner was indulged in business of illicit liquor. Petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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 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 Judge Excise – II, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 163 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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