

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61253 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- THAKRAHA District- West Champaran

AJAY KUMAR S/O LALDEO PRASAD R/O VILLAGE- WARD NO. 13,
HARPURWA, POKHRA TOLA, YOGAPATTI, P.S- YOGAPATTI, DISTT.-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubham Sourav, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with Thakraha PS case no. 16 of 2023 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

3. The allegation is regarding recovery of total 121
liters of illicit liquor from three motorcycles, amongst which the
petitioner is the registered owner of one Hero Honda Splendor
Plush Motorcycle bearing registration no. BR 22H-5491, from
where, 34 liters of illicit liquor have been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent, has falsely been implicated in the present
case and he is having a clean antecedent. It is further submitted
that the petitioner has been made accused in this case only because



he happens to be the registered owner of one of the recovered motorcycles but the fact is that the said motorcycle was sold by the petitioner by virtue of a sale deed dated 25.05.2015 in favour of one Babunand Pandit, s/o Bhagelu Pandit, however in the D.T.O. records, the name of the petitioner was not transferred.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not having any criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, Ajay Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Bagaha, West Champaran in connection with Thakraha Police Station Case No. 16 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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