

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65187 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- BIDUPUR District- Vaishali

NIRAJ KUMAR son of Kedarnath Singh Mohalla- Mohanpur Ps- Bidupur
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 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 Bidupur P.S. Case No. 311 of 2023 registered
for the offences punishable under Sections 30(a), 32 (ii) (iii), 36,
41(i)(ii) of the Bihar Excise Prohibition Amendment Act, 2018.

3. As per prosecution case, informant alongwith
police official seized 454.680 litre illicit liquor from the pick-up
van in question and it is alleged that co-accused persons ran
away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced as owner of the vehicle in question. Petitioner's vehicle
is a public carrier and the same runs on hire basis. Petitioner has



no knowledge regarding consignment being loaded by his driver and he has nothing to do with the alleged occurrence. Petitioner bears no criminal antecedent. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. There is complete violation of mandatory provision of Section 100 of Cr.P.C. Petitioner has no concern with the alleged recovered liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections. He further submits that co-accused Pawan Kumar Das and Kundan Kumar have already been granted anticipatory bail vide Cr. Misc. No. 43124 of 2023 and Cr. Misc. No. 43855 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

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, co-accused have already been granted anticipatory bail by a co-ordinate Bench of this Court, 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 Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 311 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

vashudha/-

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