

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69120 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

JITENDRA KUMAR Son of Late Bachchu Prasad Singh R/o- Dundi Bazar
Darav Toli P.S.- Chowk Patna City Dist- Patna Owner of Hero Ignitor
Motorcycle bearing Registration No BR01BV 8564

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritu Verma, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State

2. Petitioner apprehends his arrest in connection with
Ara Mufassil (Dobaha O.P.) P.S. Case No. 74 of 2023 dated
12.02.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel
for the petitioner are that as per allegation, co-accused Shambhu
Paswan was caught with a motorcycle carrying forty litres
country-made liquor in four sacks and according to the
prosecution, the said co-accused person disclosed that the
alleged motorcycle belong to this petitioner but in fact, the
petitioner had exchanged his motorcycle in view of the



exchange offer given by the concerned dealer and his motorcycle was exchanged to Akarsh Bajaj, Patna City but in respect of the said exchange no document was given to him and after the exchange, petitioner's younger brother Dharmjeet Kumar purchased a new motorcycle bearing registration No. BR01EM 5732 and in respect of the said facts, specific statements of paragraph No. 8 and 9 of the petition have been made and accordingly, the petitioner was not the owner of the alleged motorcycle when the alleged liquor was recovered. Further submissions are that the petitioner has fair and clean antecedent and he belongs to Patna City whereas the apprehended co-accused belonged to Bhojpur district and there is no connection in between them so, there was no reason for the petitioner to be involved with the said co-accused in the alleged smuggling of the liquor and the alleged offence of Excise Act does not prima-facie attract against the petitioner.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and also petitioner's defence discussed above, I find his prayer for anticipatory bail to be fit for acceptance. Accordingly, let the petitioner named-



above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ara Mufassil (Dobaha O.P.) P.S. Case No. 74 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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