

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68981 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- PARSA District- Saran

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MUKESH RAI SON OF DAROGA RAI RESIDENT OF VILLAGE- POJHI
PARSA, P.S.- DERAHI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar

For the Opposite Party/s : Mr. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pasra Police Station Case No. 161 of 2023, dated 05.06.2023, disclosing offences under Sections 272/273 of the Indian Penal Code and Sections 30(a)/32(i)(ii) of the of the Bihar Prohibition & Excise (Amendment) Act, 2018.
3. The prosecution case, as per the First Information Report, is that on 05.06.2023, the police, while on patrolling duty got the information that five persons, riding on two motorcycles, were coming from Dariypur towards Parsa with spirit. On this information, the police party intercepted the motorcycles, but the accused persons tried



to flee away, however, three persons were arrested on the spot and two persons succeed in fleeing away. Upon search, the police recovered 20 liters and 30 liters of spirit from both motorcycles, in question.

4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and has falsely been implicated in this case on the basis of disclosure of his name by the arrested accused persons before the police on the spot, along with motorcycles and illicit spirit. Referring to para 9, learned counsel submits that the petitioner is not the owner of seized motorcycles and no illicit liquor has been recovered from the conscious possession and/or vehicles belonging to the petitioner
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the the petitioner is not the owner of the motorcycles, in question, and no illicit liquor has been recovered from the conscious possession and/or vehicles belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, 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 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Parsa Police Station Case No. 161 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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