

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70277 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- NADI P.S. District- Patna

SONU KUMAR son of Awadhesh Rai Village- Mohanpur Ps- Raghopur Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Nadi P.S. Case No. 261/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, informant along with his team, recovered 90 litre country made Mahua Wine from the motorcycle in question and also from one sack of jute lying under a tree, behind the Vishnu Temple at the bank of Ganga at Village Sabalpur. It is alleged that the name of the petitioner and other has been surfaced upon secret information and they succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner bears no criminal antecedent. Petitioner is not the owner of the said vehicle in question and he has no concern with the alleged recovery. The place where recovery has been made is accessible to all. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and he has falsely been implicated in the present case. He is not in any way connected with the alleged occurrence. In the light of the given facts and circumstances of the case, no offence is made out against the petitioner under the provision of the 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 Special Judge Excise,



Patna City, in connection with Nadi P.S. Case No. 261/2023
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

7. The present application stands allowed.

(Alok Kumar Pandey, J)

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