

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70290 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SARAI District- Vaishali

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Balram Kumar Son of Maksudan Ray @ Masudan Ray Resident of Village -
Minapur Hajipur, P.S. - Town Hajipur, District – Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sarai P.S. Case No. 02/2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 1.5 liters foreign liquor from a motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession. He further submits



that the name of petitioner has surfaced in this case as the owner of the said motorcycle in question. He further submits that the petitioner has given motorcycle to his cousin brother Aman Kumar for necessary work. He has no knowledge regarding alleged recovery and said recovery made from the house of co-accused Aman Kumar. He further submits that the said motorcycle was parked near the house of co-accused. He further submits that the petitioner was neither apprehended on the spot nor was concerned with the seized liquor. He further submits that co-accused Aman Kumar and Maharaja @ Bhutkun Ray @ Arjun Kumar have already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. no.16188/2023 and the case of present petitioner stands on better as nothing has been recovered from the conscious possession of the petitioner. He further submits that in the light of the aforementioned facts and circumstances of the case, no case is made out against the petitioner under the provisions of 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, co-accused



have already been granted anticipatory bail, 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 Prohibition and Excise Court (2nd) cum Additional District and Sessions Judge, Hajipur, Vaishali in connection with Sarai P.S. Case No. 02/2023, 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)

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