

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69907 of 2023

Arising Out of PS. Case No.-420 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

AMIT KUMAR @ PIYUSH SON OF BITTU CHAUDHARY RESIDENT
OF MOHALLA BELWAGANJ WARD NO 42, P. S LAHERIA SARAI,
DIST. DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Learned counsel for the petitioner is permitted

to make necessary correction in para 3 of the bail petition during

the course of the day.

2. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in

connection with Laheria Sarai P.S. Case No. 420/2023

registered for the offences punishable under Sections 30 (a) of

the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, there is alleged

recovery of 56.88 liters foreign liquor from Maruti car in

question and one person Rakesh Kumar Yadav apprehended and

he disclosed that he was going to deliver the said liquor to the



present petitioner.

5. 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. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that the name of present petitioner transpired in this case on the basis of confessional statement of apprehended co-accused Rakesh Kumar Yadav, except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has neither concerned with the apprehended person nor concerned with the seized liquor. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, 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 Judge-II (Excise Court), Darbhanga in connection with Laheria Sarai P.S. Case No. 420/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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