

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72381 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- KAHALGAON District- Bhagalpur

Byomkesh Kumar Son Of Vishnu Dev Mandal R/O Village- Parmanandpur,
P.S.- Pakishariya, Distt.- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Kahalagaon P.S. Case No. 102 of 2023 dated 25.01.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police apprehended two persons with motorcycle from which 50 litres of illicit country made liquor was recovered.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the owner of the said motorcycle but the motorcycle was not being driven by the petitioner at the time of alleged



occurrence. Nothing has been recovered from the possession of the petitioner and the petitioner has no concern with the alleged recovery. The petitioner has two criminal antecedent and he is on bail in both the cases as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Bhagalpur in connection with Kahalgaon P.S. Case No. 102 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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