

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73840 of 2023

Arising Out of PS. Case No.-120 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

Ashok Mandal S/O Late Halo Mandal R/O Village- Chhatthu Dhanwan Ward
No. 2, Kakan, P.S And Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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

ORAL ORDER

2 29-11-2023 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 Excise P.S. Case No. 120C2 of 2020 dated 06.09.2020 registered for the offences punishable u/ss 30(a), 32, 41, 37(b), 56 (a) and 56(b) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1 litre was recovered from the dicky of the motorcycle.

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 said motorcycle was not being driven by the petitioner at the time of



alleged recovery. Nothing has been recovered from the possession of the petitioner and the petitioner has no concern with the alleged recovery and no case is made out against the petitioner. The petitioner has no criminal antecedent 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, Lakhisarai in connection with Excise P.S. Case No. 120C2 of 2020, 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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