

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74099 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- MALI District- Aurangabad

Soshal Kumar (M), aged about 35 years, Son of Vijay Paswan, R/o vill -
Madarpura, P.S. - Fesar, Distt. - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

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

ORAL ORDER

2 30-11-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Mali P.S. Case No. 75 of 2023 dated
17.08.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

4. As per the prosecution case, 67.320 litres of country
made liquor was recovered from the Tempo and 25.920 litres of
country made liquor was recovered from the Motorcycle in



question.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. During investigation, his name has sprung up in the present case on the basis of disclosure made by the co-accused Mantu Kumar. It is further submitted that the petitioner is owner of the Tempo in question. The said Tempo was given by the petitioner to the co-accused Mantu Kumar for his personal use. The petitioner had no knowledge regarding the liquor kept in his Tempo. No incriminating article has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Court concerned,
Aurangabad in connection with Mali P.S. Case No. 75 of 2023,
subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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