

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19228 of 2024**

Arising Out of PS. Case No.-241 Year-2023 Thana- Excise P.S. District- Aurangabad

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Gulshan Kumar (M), aged about 27 years, Son of Dharmendra Singh, R/o
Village- Jaanpur, P.S.- Barun, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Singh, Advocate

For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

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

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daudnagar Excise P.S. Case No. 241 of 2023 dated 23.12.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, 10 litres of country made liquor was recovered from the motorcycle which was driven by the co-accused Deepak Kumar and Vikash Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in



this case. No incriminating article has been recovered from the possession of the petitioner. It is submitted that the petitioner has been made accused in the present case as the petitioner is the owner of the motorcycle in question. The said motorcycle was given to the co-accused Deepak Kumar for taking his mother to the hospital for her treatment. The petitioner had no knowledge about carrying of liquor by the co-accused Deepak Kumar and Vikash Kumar on the motorcycle of the petitioner. There is no compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail 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 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 Daudnagar Excise P.S. Case No. 241 of 2023, subject to the condition 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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