

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19164 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- LALGANJ District- Vaishali

Prempal Singh @ Prem Pal Singh, aged about 30 years, Male, S/O Surendra Prasad Singh, Resident Of Village - Rasulpur, Jaitipur, Police Station - Lalganj, Distt.- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arun, Advocate
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

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 Lalganj P.S. Case No. 163/2023 dated 12.04.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, 750 ML of India made foreign liquor was recovered from the waist of the co-accused Nitesh Kumar who was driving the Scooty of the petitioner.

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 name of the petitioner has sprung up in the present case as the petitioner is the owner of the



Scooty in question. The said Scooty was given by the petitioner to the co-accused Nitesh Kumar for his personal use. The petitioner has no concern with the alleged liquor. 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, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 163 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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