

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33147 of 2024

Arising Out of PS. Case No.-845 Year-2023 Thana- Excise P.S. District- Siwan

Dudhnath Ram SON OF JAGI RAM VILLAGE-Panchnerui, P.S.- GUTHNI,
DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rampravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan P.S. Case No. 845 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016, amended 2022.

3. As per prosecution case, 2 litre country made liquor was recovered from Splendor motorcycle in question and co-accused Jwala Kumar and Tejbahadur Ram were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, the name of the petitioner has been transpired in this case as owner of the Splendor motorcycle in question. He



further submits that son of the petitioner namely Jwala Kumar went to market to bring medicine and in the way he has been apprehended on the spot as 2 litre country made liquor has been recovered from the motorcycle in question. Petitioner is not in any connected with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Petitioner was not present at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, he was not present at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Court No. 1, Siwan in connection with Siwan P.S. Case No. 845 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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