

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31658 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- PHULWARIYA District- Gopalganj

Shyamji Kushwaha Son Of Radha Kushwaha Village- Rampur Bangra, P.S.-
Taraiya Sujan, District-Kushinagar (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Phulwariya P.S. Case No. 17 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

3. Prosecution case in short is that there is recovery of
166.500 litres of foreign liquor from car and one motorcycle

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
It is submitted that petitioner has no concern with the alleged
recovered liquor. No incriminating article has been recovered



from the possession of the petitioner. The petitioner has no knowledge regarding the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Phulwariya P.S. Case No. 17 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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