

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33131 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- MASAUDHI District- Patna

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Raju Kumar Son of Mutur Manjhi Resident of Village- Taregana Mushahari,
P.S.- Masaurhi, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

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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 Masaurhi P.S. Case No. 174 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition Excise Act.

3. As per prosecution case, 15 litre country made liquor was recovered from the house of the petitioner. Local chaukidar Rampravesh disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that 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. He further submits that



the house stands in the name of the father of the petitioner from where the alleged recovery has been made. Petitioner has no concern with the alleged recovery. He was not present at the place of occurrence. There is no compliance of Section 100 of Cr.P.C. Basically, no incriminating article has been recovered from the conscious possession of the petitioner. 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, 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 Special Judge Excise – III, Patna, Masaurhi in connection with Masaurhi P.S. Case No. 174 of 2024, 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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