

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33519 of 2024**

Arising Out of PS. Case No.-38 Year-2022 Thana- CHANDAN District- Banka

Manoj Murmu, (Male), aged about 30 years, Son of Karma Murmu, Resident of Village - Chatrahan, Police Station - Belhar, District – Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the Opposite Party : Mrs. Anita Kumari, A.P.P.

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chandan P.S. Case No. 38 of 2022 dated 03.03.2022 registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 18 litres of wine is said to have been recovered from the motorcycle in question which was driven by the co-accused Binay Tudu.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is the owner of the seized motorcycle bearing Registration No. BR-46L-4110 which was given to the co-accused Binay Tudu who was known to the petitioner to see his ailing mother and the petitioner was not riding on the said motorcycle at the time of the alleged occurrence. The petitioner was not arrested on the spot. The petitioner has no concern with the alleged recovery of wine. No incriminating article has been recovered from possession 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 Additional District and Sessions Judge-II, Banka, in connection with Chandan P.S. Case No. 38 of 2022, 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)

U.K./-

U		T	
---	--	---	--

