

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35648 of 2024**

Arising Out of PS. Case No.-144 Year-2024 Thana- MAHUA District- Vaishali

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Akhilesh Kumar SON OF RAM ISHWAR RAY Resident of village- Mahua  
Singh Rai, P.S. - Mahua, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pratima Kumari

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      11-06-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Mahua P.S. Case No. 144 of 2024, registered on 24.03.2024 for the offences under Sections 272, 273/34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, on getting secret information of the smuggling of illicit liquor on a motorcycle, police intercepted the said motorcycle and two persons fled away on seeing the police party. Recovery of 53.250 litres of India made foreign liquor was made from a bag tied with the motorcycle. The Mahal Chaukidar named this petitioner and co-accused Kundan Kumar who escaped from the spot.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized motorcycle and he is neither the owner nor the driver of the said vehicle. The name of the petitioner came up on the basis of false identification by the Mahal Chaukidar. Learned counsel further submits that the petitioner has got no antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material against the petitioner and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount to the satisfaction of learned Special Judge Excise, Vaishali at Hajipur/concerned court in connection with Mahua P.S. Case



No. 144 of 2024, subject to the conditions as laid down under  
Section 438(2) of the Code of Criminal Procedure and other  
following conditions:

- (i) One of the bailors will be a close relative of the  
petitioner.
- (ii) The petitioner will remain present on each and  
every date fixed by the court below, if so required  
by the learned trial court.

**(Arun Kumar Jha, J)**

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