

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42023 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BIRAUL District- Darbhanga

Arvind Roy S/O- Umesh Roy R/O Village- Missi, P.O. Aurahi P.S.-
Kusheshwar Asthan , Dist.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate
For the State : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 2.5 litres country made liquor has been recovered from a motorcycle of which this petitioner is registered owner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that no incriminating article has been recovered from the conscious possession of this petitioner and he has been made an accused in this case merely because he happens to be registered owner of the vehicle in question. As a matter of fact, at the time of alleged occurrence, the motorcycle was being used by the brother of the petitioner without his



knowledge. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances , clean antecedents of the petitioner and quantity of recovery, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga, in connection with Birajul P.S. Case No. 05 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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