

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38440 of 2024

Arising Out of PS. Case No.-301 Year-2022 Thana- TURKAULIYA District- East
Champaran

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JITAN SAH S/O RAMKISHUN SAH R/O VILLAGE- WARD NO. 3, NEAR
MIDDLE SCHOOL (RAGHUNATHPUR), P.S.- RAGHUNATHPUR, DIST -
EAST CHAMPARAN AT MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate
For the State : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a) and 40(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, upon informantion, police reached at Raghunathpur near transformer and arrested two co-accused persons, namely Vishak Kumar and Niraj Kumar, with one liter country made liquor kept on a bullet motorcycle bearing Registration No. BR05AF-1191.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is



apparent that the alleged one liter of illicit country made liquor has been recovered from co-accused Vishak Kumar and Niraj Kumar. Petitioner has been made an accused in this case only because he is owner of the alleged vehicle in question on which the two co-accused persons were carrying the alleged liquor. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. Petitioner claims clean antecedents.

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

6. Considering the aforesaid facts and circumstances, the fact that no incriminating article has been recovered from the possession of this petitioner and his clean antecedents, 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 Special Judge Excise Court No. 1, East Champaran at Motihari, in connection with Turkauliya (Raghunathpur) P.S. Case No.301 of 2022, subject to condition



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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