

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43497 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- Excise P.S. District- Rohtas

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Girija Shankar @ Girija Singh SON OF LATE CHHATHU SINGH
VILLAGE- KHADUA TOLA, PS- SURYAPURA, DIST- ROHTAS AT
SASARAM

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Kanhiya Kishor

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bikramganj Excise P.S. Case No. 33 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 15 litre illicit liquor from the motorcycle in question and apprehended co-accused Umesh Kumar disclosed the name of petitioner, who fled 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. He



further submits that no incriminating article has been recovered from possession of the petitioner. The motorcycle in question does not belong to the petitioner. He further submits that except disclosure of apprehended co-accused Umesh Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner bears no criminal antecedent. Petitioner is not in any way connected with the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C. 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 Exclusive Special



Excise Judge, Court No. 1, Rohtas at Sasaram in connection with Bikramganj Excise P.S. Case No. 33 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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