

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41037 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- Excise P.S. District- Nawada

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Ankush Kumar Son Of Amirak Yadav R/O- Village- Kamalpur, P.S.-
Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Nawada Excise P.S. Case No. 134 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioner and co-accused bringing illicit liquor on motorcycle. On seeing the police party, the driver and the motorcycle rider started running away leaving behind the motorcycle and taking advantage of the river they managed to escape. From the *dickey* of the motorcycle recovery of about 10 litre country made liquor was made. On enquiry from the persons nearby the petitioner was named as one of the accused persons

who fled away from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from person or possession of the petitioner. Petitioner is neither the owner nor the driver of the vehicle in question. It is apparent from the F.I.R. that the name of the petitioner transpired on the basis of secret informant and except of suspicion there is nothing against the petitioner. The Petitioner is having clean antecedent

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering his clean antecedent 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of learned Exclusive Special Court Excise-2, Nawada in connection with Nawada Excise P.S. Case No. 134 of 2024, subject to the condition 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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