

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41459 of 2024

Arising Out of PS. Case No.-183 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Vipin @ Vipin Kumar, Son of Rishipal Singh, R/o Village-Mavana Rajpura,
P.S.- Merath, Distt.- Merath (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
		Smt. Divya Bharti, Advocate
For the Opposite Party/s	:	Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Motipur P.S. Case No.183 of 2022 registered under Sections 467, 468, 471, 120-B of the Indian Penal Code and Sections 30 (a), 32, 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to have in possession of 1785.975 liters of country-made illicit foreign liquor and also alleged to be involved in illegal trade arises out of said illicit liquor.

4. It is submitted by learned counsel for the petitioner that like several other co-passengers, the



petitioner was also a passenger of bus, where on instance of driver of said bus, his name appears to be involved with present recovery of illicit liquor. It is submitted that petitioner is a man of clean antecedent and as bus was occupied by several co-passengers, being a public carrier therefore, recovery of alleged illicit liquor cannot be said to be made from conscious physical possession of this petitioner.

6. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

7. In view of aforesaid factual submissions, as recovery of alleged illicit liquor appears to be made from a public carrier/bus, which is accessible by general public, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.II, Muzaffarpur in connection with Motipur P.S. Case No.183 of



2022, subject to the conditions as laid down under Section
438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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