

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43420 of 2024

Arising Out of PS. Case No.-213 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Mukesh Kumar S/o Badari Sah R/o Mohalla - Naviganj, P.s. - Bhagwan
Bazar, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Tiwary

For the Opposite Party/s : Mr.Rabindra Kumar

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 Bhagwan Bazar P.S. Case No. 213 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 8.640 litre illicit liquor from PCC road situated at Nabiganj and apprehended co-accused Suraj Kumar disclosed the name of the 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. Except disclosure of apprehended co-accused Suraj Kumar,



there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. He further submits that petitioner is not in any way held liable for the alleged recovery as petitioner is not connected with the place of occurrence. The place of occurrence is an open place and same is accessible to all. Petitioner bears no criminal antecedent. 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Bhagwan



Bazar P.S. Case No. 213 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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