

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43860 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Rohit Kumar Son of Baldev Mahto R/O Vill.- Gudari Bazar, Sarfuddin, P.S.-
Bochahan, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate
For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, 6.120 litres Indian made foreign liquor has been recovered from scooty and house of this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that no incriminating article has been recovered from the conscious possession of this petitioner and he has been made an accused in this case merely because he happens to be registered owner of the vehicle in question. Petitioner has got one criminal antecedent of similar nature, in which he is already on bail.



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

6. Considering the aforesaid facts and circumstances, quantity of liquor that has been recovered and the fact that nothing has been recovered from conscious possession of this petitioner, 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-III, Muzaffarpur, in connection with Bochahan P.S. Case No. 109 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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