

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45987 of 2024

Arising Out of PS. Case No.-301 Year-2021 Thana- KALYANPUR District- Samastipur

Pandav Kumar Son of Late Vishwanath Mahto R/O VILLAGE- AJANA,
P.O.- GOPALPUR, P.S.- KALYANPUR, DISTRICT- SAMASTIPUR-848102

... .. Petitioner/s

Versus

The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brahmaputra Singh Ishu, Adv.

Ms.Poonam Kumari, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 301 of 2021 registered for the offences punishable under Sections 30(a), 41(i) (ii) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 1824 litre illicit foreign liquor from the container in question which was parked in the bamboo orchard of co-accused Rajo Mahto. It is alleged that villagers disclosed the name of petitioner and others, 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. Petitioner is neither owner nor driver of the container in question. He further submits that petitioner has no concern with the orchard in question as same belongs to co-accused Rajo Mahto. Petitioner was not present at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. 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 Exclusive Special



Judge, Excise 1st, Samastipur in connection with Kalyanpur P.S.
Case No. 301 of 2021, 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)

shahzad/-

U		T	
---	--	---	--

