

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47015 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Lakho District- Begusarai

Md. Samsul Son of Md. Haidar Resident of Village - Braindawan, Ward No.-
8, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Lakho P.S. Case No.42/2024 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 27 liters illegal english wine from Bolero vehicle in question and apprehended co-accused Md. Kismat @ Tafa disclosed the name of 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 confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that there is violation of Section 100 Cr.P.C. Petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that alleged Bolero and motorcycle vehicles do not belong to the petitioner. The petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposed 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 the learned Exclusive Special
Excise-1st, Begusarai in connection with Lakho P.S. Case
No.42/2024, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

amitkumar/-

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

