

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48873 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- Excise P.S. District- Aurangabad

ANUP KUMAR S/O LATE VINOD YADAV R/O VILLAGE- SONHATHU,
WARD NO. 10, P.S- HASPURA, DIST.- AURANGABAD, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Kumari Chandna, Advocate
For the State : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 30 litres country made liquor has been recovered from a motorcycle.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is neither owner nor driver of the vehicle in question and he has been made an accused in this case merely on basis of confessional statement of co-accused person. Except confessional statement of co-accused persons, there is no material on record to show complicity of this petitioner in the alleged occurrence. It is further submitted that 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, nature of accusation and the fact that petitioner is neither owner nor driver of the vehicle in question, 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 Court No. 2, Aurangabad, in connection with Daudnagar Excise P.S. Case No. 197 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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