

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47005 of 2024**

Arising Out of PS. Case No.-68 Year-2024 Thana- HARLAKHI District- Madhubani

Digambar Kumar @ Digambar Mahto Son of Ram Naresh Prasad @ Naresh  
Mahto Village- Gangaur, Ward No. 8, P.S.- Harlakhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |   |                     |
|----------------------------|---|---------------------|
| For the Petitioner/s       | : | Mr.Jagjit Roshan    |
|                            | : | Mr.Om Prakash Singh |
|                            | : | Mr.Rajeev Ranjan    |
|                            | : | Mr.Apul             |
|                            | : | Mr. Anjani Kumar    |
| For the Opposite Party/s : | : | Mrs.Pronoti Singh   |

**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 Harlakhi P.S. Case No.68/2024 /G.R. No.378/2024 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3.    As per prosecution case, there is alleged recovery of 477 liters Nepali country made liquor from four motorcycles in question. On the basis of secret information, it is alleged that the petitioner and others are said to have brought the illicit liquor.



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. The name of the petitioner transpired in this case on the basis of disclosure of spy and there is nothing on record to show as to who has disclosed the name of present petitioner. He further submits that the petitioner was neither owner of the said motorcycles nor was concerned with the seized liquor. The petitioner bears one criminal antecedent which is not similar to the present case in which he is on bail. Nothing has been recovered from the conscious possession of the petitioner and he 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, 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 Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No.68/2024 /G.R. No.378/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

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