

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49520 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Vijay Ram @ Vijay Kumar Ram @ Lotan @ Lotan Ram S/o Late Prem Chandra Ram R/o Village Kathar PS Krishnabrahm District Buxar
 2. Brijesh Ram @ Birjesh Ram @ Brijesh Kumar @ Brajesh Kumara S/o Late Bhim Ram R/o Village Kathar PS Krishnabrahm District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners seeks permission of this Court to withdraw this application in respect of petitioner No. 2 as he has been arrested during the pendency of the present application.

3. Permission is accorded.

4. The application is dismissed as withdrawn in respect of petitioner No. 2.

5. The petitioner No. 1 is apprehending his arrest in Brahmpur P.S. case No. 146 of 2024 registered under Section 30(a) of the Bihar Prohibition and Excise Act.



6. The prosecution allegation, in short, is that the 118.2 liters liquor was recovered from sacks.

7. Learned counsel for the petitioner No. 1 submits that the petitioner No. 1 is innocent and has falsely been implicated in the present case. The petitioner No. 1 has got no criminal antecedent. The name of the petitioner No. 1 has transpired on the basis of confessional statement of co-accused namely Dharmendra Singh which has no evidentiary value. No incriminating material has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 has got no concern with the alleged recovery of liquor. There is no compliance of Section 100 of Cr.P.C.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner No. 1.

9. Considering the aforesaid facts and circumstances, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Brahmpur P.S. case No. 146 of 2024, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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