

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47022 of 2024**

Arising Out of PS. Case No.-138 Year-2024 Thana- BIDUPUR District- Vaishali

Janak Dev Rai @ Janak Dev Yadav Son of Late Mauje Laal Rai @ Mauje Laal Yadav Village- Bidupur, P.S.- Bidupur, Distt.- Vaishali at Hajipur (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

**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 Bidupur P.S. Case No.138/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amended) Act, 2022.

3. As per prosecution case, there is alleged recovery of 120 liters country made liquor from two motorcycles in question. Apprehended co-accused Munna Kumar 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 the petitioner is neither owner of the seized motorcycles nor was concerned with the seized liquor. The petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is not in any way connected with the alleged occurrence and there is no compliance of Section 100 Cr.P.C. 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 Court-1 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No.138/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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