

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47083 of 2024

Arising Out of PS. Case No.-892 Year-2024 Thana- Excise P.S. District- Muzaffarpur

1. Sunil Singh @ Gabbar Singh @ Sunil Kumar S/O Late Munnar Singh R/O Mohalla- Gannipur, Bengali Colony near S.K.J. Law College, P.S.- Kazimohammadpur, Distt-Muzaffarpur.
2. Vikash Kumar S/O Sunil Singh @ Gabbar Singh @ Sunil Kumar R/O Mohalla- Gannipur, Bengali Colony near S.K.J. Law College, P.S.- Kazimohammadpur, Distt-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Excise P.S. Case No.892/2024 registered for the offences punishable under Sections 30(a) and 32 (3) of the Bihar Prohibition and Excise Act, 2016 (Amended Act 2018/2022).

3. As per prosecution case, there is alleged recovery of 126 liters foreign liquor from e-rikshaw and apprehended co-accused Karan Kumar disclosed the name of petitioners who fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR and he have falsely been implicated in this case. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. He further submits that the petitioners are neither owner nor driver the said vehicle in question. The petitioner no.1 bears one criminal antecedent in which he is on bail and petitioner no.2 bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are not in any way connected with the alleged occurrence. In the light of the aforesaid submission, no case is made out against the petitioners 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 petitioners.

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 petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Judge Excise Court No.-II, Muzaffarpur in connection
with Excise P.S. Case No.892/2024, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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