

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50141 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- Excise P.S. District- Aurangabad

Divesh Kumar @ Dinesh Kumar Son of Tapeswar Chaudhary R/O Vill.-
Koilwan, P.S.- Haspura, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 18-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Daudnagar Excise P.S. Case No. 131 of 2024 registered on 08.04.2024 for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution, recovery of 20 liters of illicit liquor is the subject matter of the present case.

4. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the full brother of accused No.1 in the FIR who was apprehended from the place of recovery. The motorcycle from which the alleged recovery has been made belongs to the



petitioner, but it was under use of his brother (accused No.1 in the FIR). The petitioner is accused in one more criminal case, but in that case, he has been granted bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Special Judge-II, Excise, Aurangabad, in connection with Daudnagar Excise P.S. Case No. 131 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the Trial Court shall release the petitioner on bail only on being satisfied that the petitioner is not absconding in Aurangabad P.S. Case No. 563 of 2023 as mentioned in paragraph no.3 of the petition otherwise he shall not be released.

(Dr. Anshuman, J)

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