

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50758 of 2024

Arising Out of PS. Case No.-426 Year-2020 Thana- BYPASS District- Patna

Monu Kumar Son of Raj Kumar Bind Resident of mohalla - Bahari
Begampur, Mahabir Asthan, P.S.- Bypass, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bypass P.S. Case No.426/2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 200 liters Mahua wine from the Tempoo in question. Apprehended co-accused Bhola Kumar disclosed the name of petitioner.

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. 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. He further submits that the petitioner was neither concerned with the alleged Tempoo in question nor was concerned with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. 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, 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 Special Judge



Excise, Patna City in connection with Bypass P.S. Case
No.426/2020, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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