

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51399 of 2024

Arising Out of PS. Case No.-15 Year-2022 Thana- NTPC KHAIRA District- Aurangabad

Mantu Kumar S/o Hrioyanand Singh R/o vill - Amarthia, Kanchanpur, ward
no. 11, P.S. - Karakat, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with N.T.P.C. Khaira P.S. Case No. 15 of 2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 546 litre country made wine from the Scorpio in question and 384 litre illicit liquor was also recovered from the Triber car in question.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case during the course of investigation on the basis that petitioner is driver of Triber Car bearing Registration



No. BR02PB5784 but basically petitioner is neither owner nor driver of any of the seized vehicles and the allegation against the petitioner is false and concocted. Petitioner bears no criminal antecedent. No incriminating article has been recovered from possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. He further submits that co-accused Nand Kumar Singh @ Nandan Kumar Singh who is owner of Triber car in question has already been granted anticipatory bail by a co-ordinate Bench of this court vide Cr. Misc. No. 32496 of 2022 and the case of present petitioner stands on better footing as he is not in any way connected with the alleged occurrence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail, 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 learned Additional Sessions Judge-cum Special Judge, Excise-11nd, Aurangabad in connection with N.T.P.C. Khaira P.S. Case No. 15 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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