

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50045 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- HARNAUT District- Nalanda

Vivek Kumar @ Gonga S/o Arun Sao @ Arun Prasad Resident of village-
Chero, Post office-Chero, Police Station-Chero O.P., Harnaut, District-
Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aklavya Chandan Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 22-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Harnaut P.S. Case No. 223 of 2024
registered for the offences punishable under Sections 30(a)
of the Bihar Prohibition and Excise (Amendment) Act,
2022.
3. As per prosecution case, there is alleged
recovery of 32 litre country made liquor near the bank of
the river. Local people disclosed the name of the petitioner
who fled away from the place of occurrence.
4. Learned counsel for the petitioner submits



that from the perusal of the FIR, there is no disclosure as to who has disclosed the name of the petitioner. On that score, the authenticity of the prosecution story is doubtful. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner submits that petitioner bears one criminal antecedent and orally submits that petitioner is on bail in the said case. He further submits that petitioner is not found at the place of occurrence and he has nothing to do with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the same. It is further submitted that seizure list has not prepared as per law.

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, argument advanced on behalf of both sides, 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 A.D.J-V cum Special Judge (Excise), Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No. 223 of 2024 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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