

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49898 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Ritesh Kumar Son of Kantu Sahni Resident of Village - Jitaura, P.S.-
Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Pakridayal P.S. Case No. 68 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act-2022.

3. As per prosecution case, 13.250 litre foreign liquor was recovered from the bag of the apprehended co-accused Budhan Bhagat.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, the name of the petitioner has been transpired in this case as an owner of the TVS motorcycle bearing Registration No. BR05AR3778. Petitioner is innocent and has



committed no offence as alleged in the FIR. He further submits that petitioner has falsely been implicated in this case as an owner of the said motorcycle in question. Petitioner was not present at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. He further submits that petitioner was completely unaware of the fact that apprehended co-accused Budhan Bhagat misused the motorcycle in question as he was apprehended on the spot. Petitioner bears no criminal antecedent.

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, 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 Exclusive Special Excise Court No. 3, Civil Court, East Champaran at Motihari in



connection with ABP No. 2007 of 2024 arising out of
Pakridayal P.S. Case No. 68 of 2024, 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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