

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54332 of 2024

Arising Out of PS. Case No.-281 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Guddu Kumar Son of Raj Kumar Mahto R/O- VILLAGE- BASWARIYA
DAROGA TOLA, P.S.- BETTIAH TOWN, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in connection
with Bettiah Town P.S. Case No. 281 of 2024 registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act, 2022.

3. As per prosecution story, there is alleged recovery of
26.1 litre foreign liquor of different brand from the motorcycle
in question. Local people disclosed the name of petitioner who
fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner
was not found at the place of occurrence and motorcycle in
question stands in the name of wife of the petitioner and at the



relevant point of time, petitioner has given the motorcycle in question to his friend and the said person has misused the motorcycle in question. Petitioner is not in any way connected with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner bears criminal antecedent of two cases which is not similar to the present case and in the said cases petitioner is already on bail. In the light of given facts and circumstances of the case, no offence is made out against petitioner under the provision of Bihar Prohibition and Excise Act.

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 the both sides, the petitioner above named, in the event of his surrender or arrest before the concerned court within 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 Judge Excise-1 Bettiah, West Champaran in connection with Bettiah Town P.S.



Case No. 281 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)

vashudha/-

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