

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54042 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- Excise P.S. District- Nawada

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Awdhesh Kumar S/o Dileep Yadav @ Dilip Prasad R/o at Bhita ps- Rajauli
Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Ranjan

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Nawada Excise P.S. Case No. 302 of 2023 dated 31.03.2023 registered under Sections 30 (a), 56(2)(ii) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case a total quantity of 102 liters of country made liquor has been recovered from a motorcycle bearing registration no. JH12E6892 and the petitioner managed to flee away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged and has falsely been dragged in this case by the Police due to oblique motive. The name of the petitioner transpired in this case on the basis of confessional statement of the arrested



co-accused. He further submits that no independent witness has supported the prosecution version and / or signed the seizure list. He further submits that the seized motorcycle does not belong to the petitioner. He submits that the petitioner was not apprehended on the spot. It is submitted that during search and seizure the provisions enshrined under Section 100 (8) Cr.P.C. has not been complied. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and / or vehicle belonging to the petitioner, the seized motorcycle does not belong to the petitioner and the petitioner has got no criminal antecedent , as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Judge-2nd , Nawada / court concerned in connection with Nawada Excise P.S. Case No. 302 of 2023 subject to



the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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