

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53467 of 2024

Arising Out of PS. Case No.-878 Year-2023 Thana- Excise P.S. District- Aurangabad

Raju Kumar @ Raju Kumar Singh Son of Mahendra Singh R/O Vill.- Dihuli,
P.s.- Madanpur, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate
For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, 525 litres spirit has been recovered from a *Scorpio* vehicle.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is neither owner nor driver of the vehicle in question. No incriminating article has been recovered from conscious possession of this petitioner and he has been made an accused in this case merely on suspicion. It is further submitted that petitioner has got one criminal antecedent of similar nature, in which he is already on bail.



5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the fact that petitioner is neither owner nor driver of the vehicle in question and nothing has been recovered from conscious possession of this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-02, Aurangabad (Bihar), in connection with Aurangabad P.S. Case No. 878 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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