

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55308 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- MOTIPUR District- Muzaffarpur

=====

Amardeep @ Amardeep Kumar Son of Dev Kishun Bhagat Resident of
village - Majhar, P.S.- Pakridayal, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-09-2024 Learned counsel for the petitioner is permitted to

make necessary correction in Para 9 of the bail petition during

the course of the day.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Motipur P.S. Case No. 173 of 2022 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

4. As per prosecution case, 3195 litre illicit liquor
was recovered from truck in question.

5. Learned counsel for the petitioner submits that
from bare perusal of the FIR, it appears that FIR has been
registered against driver and owner of truck in question and the



petitioner is not named in the FIR. He further submits that during course of investigation name of petitioner transpired in this case upon the confessional statement of co-accused Om Prakash Ram. Petitioner bears no criminal antecedent. No incriminating article has been recovered from the possession of the petitioner. He further submits that petitioner is neither owner nor driver of the said truck. Petitioner has no concern with the seized liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. 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



Judge Excise Court No.- II, Muzaffarpur in connection with
Motipur P.S. Case No. 173 of 2022, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

