

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56355 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- MADHUBAN District- East Champaran

1. Munna Khushwaha @ Munna Kumar son of Vanshraj Bhagat @ Vansharaj Prasad Village- Sirauli Ps- Madhuban Garahiya OP Dist- East Champaran
2. Bablu Kumar son of Surendra Prasad Chaurasiya Village- Bhagwanpur Ps- Madhuban Garahiya OP Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Ms. Usha Kumari, Advocate
For the State : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-09-2024 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 2, namely Bablu Kumar, as during pendency of this case, Petitioner No. 2 has already been arrested and the same has become infructuous.

3. Permission, as prayed for, is accorded.

4. The anticipatory bail application on behalf of Petitioner No. 2 is dismissed as withdrawn.

5. The Petitioner No. 1 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.



6. As per the prosecution case, 427.32 litres foreign liquor has been recovered from a pickup van which was parked in front of house of co-accused Sanjay Kumar Kishwaha.

7. It is submitted by learned counsel for the petitioner that petitioner is neither owner nor driver of the vehicle in question. Nothing has been recovered from conscious possession of this petitioner and he has been made an accused in this case merely on suspicion. Petitioner has got one criminal antecedent of similar nature, in which he is already on bial.

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

9. Considering the aforesaid facts and circumstances, the fact that petitioner is neither owner nor driver of the vehicle in question and nothing has been recovered from possession of this petitioner, the prayer for grant of anticipatory bail to the Petitioner No. 1 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner No. 1 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 Excise Court, East Champaran, Motihari, in connection with Madhuban (Garahiya



O.P.) P.S. Case No. 256 of 2024, subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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