

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59143 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- GAMAHARIYA District- Madhepura

Kamli Paswan @ Kamleshwari Paswan Son of Late Kushumlal Paswan
Resident of Village - Bhelwa, Ward No.8, P.S. - Gamahariya, District -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59482 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- GAMAHARIYA District- Madhepura

Neeraj Kumar Mehta @ Neeraj Mehta S/O Late Nago Mahto Resident of
Village- Chaudhara Lakshminiya, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59143 of 2024)

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 59482 of 2024)

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-09-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail
apprehending their arrest in connection with Gamahariya P.S.
Case no.120 of 2024 registered for the offence punishable under
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant states



that on receiving secret information of two persons coming to deliver liquor, a team was constituted. It is stated that on seeing the vehicle and the police approaching, the accused persons made an attempt to escape and were successful. While one of the person escaped by foot, the other person managed to escape on the vehicle. It is stated that 212 liters of liquor was recovered.

4. Learned counsel for the petitioner Kamli Paswan @ Kamleshwari Paswan submits that the petitioner has been falsely implicated in the case. He has no criminal antecedent. Though in the initial part of the FIR suspicion is raised against this petitioner, however the FIR does not disclose that anyone identified the petitioner to be amongst the person who managed to escape.

5. Learned counsel for the petitioner Neeraj Kumar Mehta @ Neeraj Mehta submits that the petitioner has been falsely implicated in the case because of his antecedent. No incriminating article has been recovered from his possession and he also has not been identified in the FIR as amongst the accused persons who managed to escape.

6. The application for bail is opposed by learned A.P.P. for the State.



7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, no incriminating article having been recovered from the petitioners possession, it is directed that the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gamahariya P.S. Case no.120 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge V-cum-Special Judge Excise Court-01, Madhepura, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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