

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61612 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- KOTWALI District- Patna

Jai Prakash Singh Son of Vishundeo Singh Resident of 29, Jamalpur, P.S.-
Athmalgola, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate
For the State : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 500 ml. illicit liquor has been recovered from a car.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in the present case merely because he happens to be driver of the vehicle in question. Nothing has been recovered from conscious possession of the petitioner. As a matter of fact, without knowledge and consent of this petitioner, the alleged illicit liquor was kept in the vehicle and being unaware of the same, this petitioner was following instructions



of owner of the vehicle.

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

6. Considering the aforesaid facts and circumstances, quantity of liquor that has been recovered and fact that 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 Act-I, Patna, in connection with Kotwali P.S. Case No. 35 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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