

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64857 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- GORAUL District- Vaishali

Basudeo Kumar, aged about 29 years, Male, Son of Rampravesh Singh,
Resident of Village - Chandra Hatti, P.S. - Kudhani, District – Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Niranjan Parihar, Advocate
For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Goraul P.S. Case No. 231 of 2024 dated 21.06.2024 registered for the offences punishable under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 734.4 litres of illicit foreign liquor was recovered from the Pick-up Van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot. The name of the petitioner has come in the present



case on the basis of the confessional statement of the apprehended co-accused Balveer Kumar which has got no evidentiary value in the eye of law. No incriminating article has been recovered either from his possession or from his house. The petitioner is neither the owner nor the driver of the vehicle in question. He has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Ajay Singh @ Ajay Kumar has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 57093 of 2024 under order dated 27.09.2024. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I-cum-A.D.J.,



Vaishali at Hajipur, in connection with Goraul P.S. Case No. 231
of 2024, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

