

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63002 of 2024

Arising Out of PS. Case No.-576 Year-2024 Thana- Excise P.S. District- Aurangabad

Chhotu Kumar S/o- Late Lalan Singh Village- Jasoiya PS- Town District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Aurangabad Excise P.S. Case No. 576 of 2024 instituted for the offences punishable under Sections 30(a), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 216 litres of liquor was recovered from motorcycle and from bush.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The recovery of illicit liquor has



been made from motorcycle and from bushes. So far as the recovery from motorcycle is concerned, he has no concern with the vehicle in question, and so far as recovery from bushes is concerned, the concerned place does not belong to the petitioner rather the same is an open place accessible to local people. It is further submitted that the name of the petitioner has been transpired only on the basis of confessional statement of the co-accused Sashikant Kumar Singh. Except the confessional statement of the co-accused before the police there is no material against this petitioner. The petitioner has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, since the petitioner has no criminal antecedent, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad Excise P.S. Case No. 576 of 2024, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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