

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63788 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- SANHAULA District- Bhagalpur

Praveen Kumar Son of Naresh Mandal Resident of Village - Tahwalpur, P.S. -
Lodipur, District - Bhagalpur (Owner of Honda Motorcycle No. B.R.-10AM-
5744)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Amrendra Kumar Jha, Advocate
For the State	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 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, 9.855 litres illicit foreign liquor has been recovered from a motorcycle of which this petitioner is registered owner.

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 owner 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 being transported in the motorcycle



of this petitioner. Petitioner has got one criminal antecedent of similar nature, in which he is already on bail.

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 Additional District & Sessions Judge-12-cum-Special Judge, Excise, Bhagalpur, in connection with Sanhaura P.S. Case No. 160 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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