

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66235 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- LAUHIYANAGAR District- Begusarai

Aman Kumar Son of Manoj Poddar Resident of Village- Ward No. 28,
Panhans, Lohiya Nagar, P.S.- Lohiya Nagar, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Lohiya Nagar P.S. Case No. 44 of 2024 registered for the offences punishable under Section 30(a) of the Bihar prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 44 liter 205 ml foreign liquor from the bush.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that as the petitioner was not caught on the spot, nothing incriminating has been



recovered from his conscious possession. The petitioner is not the owner of the alleged motorcycle bearing Regd. No. BR09L6602 and has also no concern with the alleged occurrence. The petitioner has two criminal antecedents of similar nature of offences but, in both of them, he is on bail as has been stated in paragraph no.3 of the present anticipatory application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

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

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/successor
court in connection with Lohiya Nagar P.S. Case No. 44 of
2024, subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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