

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63467 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Dhananjay Kumar, aged about 20 years (Male), Son Of Bhishan Yadav,
Resident Of Village-Hira Tol, Ward No 2, P.S. Sahebpur Kamal, District-
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amar Kumar Singh, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

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

ORAL ORDER

3 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria Rail P.S. Case No. 73 of 2023 dated 10.07.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total 79.38 litres of country made liquor was recovered from the motorcycle in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner



is not named in the F.I.R. and his name has sprung up in the present case during investigation, to the effect that the petitioner is the owner of the motorcycle in question. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is a farmer and was doing farming by parking his motorcycle next to his field, and police forcibly seized his bike and showed the recovered article from his bike. The petitioner has no concern with the recovered liquor, and the informant has demanded illegal gratification from the family member of the petitioner. On refusal, this false case has been lodged by police against the petitioner. There is no compliance of Section 100 of Cr.P.C. The petitioner has clean antecedent 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 court concerned, Khagaria in connection with



Khagaria Rail P.S. Case No. 73 of 2023, 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)

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