

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64645 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- KHAJAUJI District- Madhubani

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Dhiru Kumar @ Dhirendra Kumar Singh, aged about 22 years, Male, Son of
Ram Narayan Singh, Resident of Village - Kanhauli, P.S. - Khajauli, District –
Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party : Mr. Kanhiya Kishor, A.P.P.

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**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 Khajauli P.S. Case No. 139 of 2024 dated
29.06.2024 registered for the offences punishable under
Sections 272, 273, 414 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 270 litres of illicit
Nepali Saufi liquor and three motorcycles were recovered from
the place of occurrence.

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 Sanjeevan Kumar Singh 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 vehicles in question. There is no compliance of Sections 100 and 101 of the Cr.P.C. as well as Section 82 of the Bihar Prohibition and Excise Act. It is further submitted that the other co-accused person Sanjeevan Kumar Singh has been granted regular bail by a Bench of this Court vide Cr. Misc. No. 58740 of 2024 under order dated 14.08.2024. 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 Additional Sessions Judge-II-cum-Special Judge,



Excise, Madhubani, in connection with Khajauli P.S. Case No.
139 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)

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