

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72375 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- BIRPUR District- Supaul

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ARUN KUMAR Son of Vidyanand Sahnogiya Resident of Village - Karjain
Bazar, Ward No.- 12, P.S.- Karjain, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-10-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Birpur Police Station Case No. 229 of 2023, dated 22.07.2023, disclosing offence under Section 30(a)) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that Nepalese liquor is going to be illegally smuggled from Nepal to India, reached at the place of occurrence and saw a person coming on a motorcycle, carrying a sack, from Nepal to India and on seeing the police, the persons riding on the motorcycle, tried to flew away but his motorcycle slipped and fell on the ground. The persons succeeded in fleeing



away leaving behind the motorcycle. The police seized the motorcycle and recovered 25.5 liters of illicit liquor from the sack kept in the motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the allegation has been levelled against the petitioner on the basis of the fact that the seized motorcycle is owned by the petitioner. He further submits that the seized motorcycle was borrowed by one of his friend and he used the same for carrying illicit liquor without the knowledge of the petitioner. He further submits that the petitioner was not present at the place of occurrence on the alleged date of occurrence.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be



released 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 Exclusive Special Judge,
Excise Court No. 2, Supaul, in connection with Birpur
Police Station Case No. 229 of 2023, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J.)

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