

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65867 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- TARABARI District- Araria

Rupesh Sharma @ Ajay Tatma @ Rubka @ Rupesh Tatma Son of Raghu
Tatma R/o Village- Batubari, Ward No 12, P.S.- Tarabari, District-Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 29 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 65 litre country made liquor from the motorcycle in question and apprehended co-accused Lalo Yadav disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that though he has not specifically mentioned that petitioner is not owner of the motorcycle in question but he has orally submitted that he is not owner of the motorcycle in question. He further



submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Except disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner bears no criminal antecedent. No incriminating article has been recovered from possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-2nd, Araria in connection with Tarabari P.S. Case No. 29 of 2023, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

7. Furthermore, petitioner shall submit an undertaking that he is not owner of the motorcycle in question, otherwise his bail bond shall not be accepted by the trial court.

8. The application stands disposed of.

(Alok Kumar Pandey, J)

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