

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70397 of 2023**

Arising Out of PS. Case No.-214 Year-2023 Thana- NASRIGANJ District- Rohtas

Bhanta Kumar @ Rajiv Ray, aged about 21 years, Gender-Male, Son Of Law
Kush Ram, Resident Of Village- Baliya Kothi, P.S.- Nasariganj, District
Rohtas

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vikalp, Advocate

For the Opposite Party : Mr. Ajay Kumar No. 2, A.P.P.

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

ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Nasriganj P.S. Case No. 214 of 2023 dated
22.07.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 40 litres of
country made liquor was recovered from two motorcycles in
question.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been arrested from the place of occurrence. A supplementary affidavit has been filed on behalf of the petitioner and in paragraph no. 4 of the said supplementary affidavit, it has been submitted that the petitioner is not the owner of the motorcycle in question from which total 40 litres country made liquor has been recovered. 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. No case is made out against the petitioner.

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 within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Rohtas at Sasaram, in connection with Nasriganj P.S. Case No. 214 of 2023, subject to the condition as laid down under Section



438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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