

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70574 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- KATEYA District- Gopalganj

Akash Kumar Jaishwal @ Akash Kumar Jaiswal, Male, aged about 28 years,
Son of Ashok Jaiswal @ Ashok Prasad, R/O-Village Ward No. 2, Near Khan
Market, J.P Chowk, Mirgang, P.S- Mirgang, District -Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party : Mr. Mithlesh Kumar Khare, A.P.P.

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

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kateya P.S. Case No. 247 of 2024 dated 26.06.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 315 litres of illicit country made liquor was recovered from the dicky and seat of the Hundai Car in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from his



possession. He was not apprehended on the spot. It is further submitted that the petitioner has no concern with the alleged offence. His name has surfaced in the present case only on the basis of the confessional statement of the apprehended co-accused person Uday Kumar which has got no evidentiary value in the eye of law. It is further submitted that the seized liquor and Hundai car does not belong to the petitioner. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Uday Kumar has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 63860 of 2024 under order dated 09.09.2024. 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 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 Additional Sessions Judge-XIII-cum-Special Judge, Excise Court No. I, Gopalganj



in connection with Kateya P.S. Case No. 247 of 2024, 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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