

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75475 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- KUDHNI District- Muzaffarpur

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Dharmendra patel @ dharmendra singh S/O LATE MAHINDRA SINGH @
BAGENDRA SINGH R/O VILLAGE- BAHILWARA BHUAL, P.S-
SARAIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra

For the Opposite Party/s : Mr. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 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 Kudhani Police Station Case No. 441 of 2022, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. As per the First Information Report, on 16.09.2022, the informant got a secret information that some persons have concealed illicit foreign liquor near Bamnagar Bridge and on the basis of the information, informant along with police officers reached at the place of occurrence and upon seeing the police party, one person fled away. Upon search, police recovered 17.280 liters of illicit foreign



liquor from the place of occurrence. The name of the petitioner has surfaced on the basis of secret information received by the police.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of information received by the police secretly. He further submits that illicit liquor has been recovered from a place which is accessible to public at large and has not been recovered from the conscious possession of the petitioner. Regarding criminal antecedent, learned counsel submits that though the petitioner has disclosed one antecedent in the bail application but he is having another antecedent also which could not be disclosed inadvertently. Another criminal antecedent under Section 30(a) has been registered in the Vaishali police station.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, 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 Court of Exclusive Special Excise Court-II, Excise, Muzaffarpur, in connection with Kudhani Police Station Case No. 441 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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