

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73841 of 2024

Arising Out of PS. Case No.-508 Year-2024 Thana- Excise P.S. District- Gaya

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Shashikant Kumar, (Male), aged about 24 years, Son of Munna Prasad,
Resident of vill- Dharhara, P.S- Silao, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 508 of 2024 dated 03.05.2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 96 litres of illicit liquor was recovered from the car and 24 litres of illicit liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner was not



arrested on the spot. No incriminating article has been recovered from the conscious possession of the petitioner. The name of the petitioner has come in the present case because he is the owner of the motorcycle in question from which the liquor was recovered. The car does not belong to the petitioner. The petitioner has given his motorcycle to the co-accused Raushan Kumar to visit his maternal grandmother's house but he took the said motorcycle for doing such an illegal activities. The petitioner was not driving the said motorcycle at the relevant time of alleged offence. He has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. The petitioner has three criminal antecedents in which he is on bail 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. -III, Gaya, in



connection with Excise P.S. Case No. 508 of 2024, subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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