

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76987 of 2024

Arising Out of PS. Case No.-832 Year-2023 Thana- MALSALAMI District- Patna

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Jitan Kumar Son of Dayal Bind Resident of Village - Bhushan Chak
Kharaura, P.S.- Bhagwanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Malsalami P.S. Case no. 832 of 2023 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on a checking having been conducted by the police personnel 5.22 litres of country liquor was recovered from the scooty in question and the co-accused Rohit Raj was taken into custody.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating article recovered from petitioner's possession. The cause of false implication of the petitioner is that he happens to be the registered owner of the vehicle in question. The petitioner



has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner’s possession, the petitioner being implicated only for the reason that the vehicle in question is registered in his name and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Malsalami P.S. Case no. 832 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City, Patna.

(Partha Sarthy, J)

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