

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.75856 of 2024

Arising Out of PS. Case No.-162 Year-2021 Thana- FATUA District- Patna

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Pawan Kumar S/O Raja Ram Rai R/O Village- Jethuli, Kachchi Dargah, P.S-
Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Opposite Party/s : Mr.Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in
connection with Fatuha P.S. Case No. 162 of 2021 (G.R. No.
1471/21) registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there is alleged
recovery of total 183 liters and 750 ml of English wine from the
Bolero pick-up van and Hero motorcycle in question.

4. Learned counsel for the petitioner submitted that
petitioner is innocent and has committed no offence as alleged



in the first information report and he has been falsely implicated in this case. There is no source of information as to how the name of petitioner has been divulged in the F.I.R. Learned counsel for the petitioner submitted through the supplementary that petitioner is not the owner of the Pick-up Van or the Motorcycle in question. Petitioner bears criminal antecedent of two cases, in which he is on bail. Except suspicion, there is nothing on the record to connect the present petitioner with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Court of



Excise, Patna City in connection with Fatuha P.S. Case No. 162 of 2021 (G.R. No. 1471 of 2021), subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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