

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75001 of 2024

Arising Out of PS. Case No.-777 Year-2024 Thana- ALAMGANJ District- Patna

1. Aakash Kumar Son of Sanjay Prasad Resident of Maharajganj Rajputana Gali, P.S.- Alamganj District- Patna
2. Manish Kumar @ Manish Raj Son of Ramesh Sharma R/O Badhai Tola, Near Durga Temple, Purani City Court, P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

Mr. Krishna Gond, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 13-11-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Alamganj P.S. Case no. 777 of 2024, registered under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 47.625 litres of IMFL was recovered from a scooty. It is further stated that one of the co-accused namely Suraj Kumar who was caught disclosed that the person who had managed to escape was the petitioner no.1 and the liquor belonged to petitioner no.2.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The only



material against them, as would be evident from the FIR, is the statement of a co-accused made before police. They have no concern with the seized liquor nor with the scooty in question. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the name of the petitioners having transpired in the statement of a co-accused made before police, the petitioners not being the registered owner of the scooty in question and specially the petitioners not having any antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that the petitioners above named in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Alamganj P.S. Case no. 777 of 2024 on each of them 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 Judge, Excise, Patna City, Patna.

(Partha Sarthy, J)

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