

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77877 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- Excise P.S. District- Siwan

Madan Giri son of Mahanath Giri Resident Of village -Rajapur, Ps
-Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi
For the State : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 25-11-2024 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 Siwan Excise Police Station Case No. 392 of 2024, dated 27.06.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (Amendment Act 2022) (hereinafter referred to as 'the Act').
3. The prosecution case, as per the First Information Report, is that the police got secret information that the petitioner is transporting illicit liquor by Toyota Glanza car from Mairwa to Siwan and reached for checking. On seeing the police party, the petitioner tried to flee away, but the car dashed into pole and the driver succeeded in fleeing away



leaving the car, having Chassis No. MBHJWC13SRB689704, behind. Upon search, the police recovered 155.520 liters of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to oblique motive. He next submits that the petitioner is the owner of the vehicle (Toyota Glanza), in question. He further submits that his neighbour borrowed the car for emergency treatment of his mother and he used the car for transporting illicit liquor without the knowledge of the petitioner. The petitioner has got no criminal antecedent.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent and the car was borrowed by his neighbour, 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 the learned Exclusive Special
Excise Juge-II, Siwan, in connection with Siwan Excise
Police Station Case No. 392 of 2024, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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