

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75891 of 2024

Arising Out of PS. Case No.-79 Year-2022 Thana- Excise P.S. District- Madhepura

Subodh Kumar Son of Sri Ram Chandra Mandal Resident of village - Ward
No.- 14, Bosgadha, P.O.- Rampur Khora, P.S.- Udakishunganj, District -
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the Opposite Party : Mr. Iftekhhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura Excise P.S. Case No. 79 of 2022 related to Excise No. 304 of 2022, lodged on 09.03.2022, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending before the Court of Additional Sessions Judge-VII-Cum-Special Judge, Excise-II, Madhepura.

3. As per the prosecution, FIR has been lodged against one named accused person and the owner of the motorcycle. Total recovery of 55 litres of illicit country made liquor, 1050 liters of raw material and one motorcycle have been made, which was the subject matter of the present case.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner's motorcycle was taken by one of his friend and he is completely unaware that for what purpose he has used his motorcycle, but subsequently upon receiving the information that his motorcycle was used in doing illegal activities, the petitioner became accused. Counsel further submits that no recovery has been made from the possession of the petitioner nor he was apprehended on spot, only by virtue of the ownership the petitioner has been made accused in the present case. Counsel further submits that the antecedent of the petitioner is not clean and there is one criminal case pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean. Counsel further submits that it is true that the petitioner has neither apprehended on the spot nor identified.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of four weeks from today. In



case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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