

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79152 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- FESHAR District- Aurangabad

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Bittu Kumar Son of Sunil Saw Resident of Village- Tarar, P.S.- Daudnagar,
Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar Singh
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Fesar P.S. Case No. 96 of 2024 registered under Section 30(a), 37 of the Bihar Prohibition and Excise Act, 2016 and Section 317(s) of the B.N.S.

3. As per the first information report a total quantity of 54 liters of illicit country made liquor has been recovered from a tempo bearing registration no. BR01PN-5298.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in this case only because he happens to be the registered owner of the tempo in question. No incriminating article and / or illicit liquor has been recovered from the conscious possession of the petitioner rather illicit liquor has been recovered from the co-accused / Birendra Kumar who was sitting on the tempo at the time of occurrence.



The tempo in question is a commercial vehicle and the co-accused / Birendra Kumar loaded illicit liquor on the tempo saying that the bag was having tomatoes and the petitioner was not aware regarding carrying of illicit liquor on the tempo. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has been recovered from the conscious possession of the co-accused/ Birendra Kumar and the petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise II Aurangabad (Bihar) in connection with Phesar P.S. Case No. 96 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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