

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77710 of 2024

Arising Out of PS. Case No.-505 Year-2024 Thana- Excise P.S. District- Aurangabad

Ashok Kumar Singh Son of Upas Singh Resident of Village- Ahirari, P.S. -
Obra, District- Aurangabad. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-11-2024 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 Aurangabad Excise Police Station Case No. 505 of 2024, dated 25.05.2024, disclosing offence under Section 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

3. The prosecution case, as per the First Information Report, is that the police intercepted a motorcycle, bearing Registration No. BR26D-7811, and apprehended one Manish Kumar. Upon search, the police recovered 8.64 liters of illicit country-made liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to the fact that he happens to be the owner of the seized motorcycle. He next submits that the arrested co-accused Manish



Kumar, who is familiar with the petitioner, took his motorcycle for purchasing medicine and the petitioner was not having any knowledge that he was carrying illicit liquor on the motorcycle. 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 that the petitioner had no knowledge that the co-accused, who took his motorcycle, is carrying illicit liquor on the motorcycle, in question, 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 Special Judge Excise II, Aurangabad, in connection with Aurangabad Excise Police Station Case No. 505 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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