

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78134 of 2024

Arising Out of PS. Case No.-3 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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Pulkit Baitha Son of Late Bhouthari Baitha Resident of Muhall- Chakla
Nirmali (Ward No. 07), P.S.- Supaul, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Arun Kumar Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-12-2024 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 Misc. Excise Case No. 270 of 2022, arising out of P.R. No. 03 of 2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information, intercepted a motorcycle coming from Bairiya Manch, which was being driven by co-accused Dilip Yadav and co-accused Suresh was the pillion rider, and on seeing the police, the persons riding on the motorcycle, tried to flee away, but the person riding the motorcycle, Dilip Yadav was



apprehended by the excise officials; whereas, the pillion rider, namely, Suresh, succeeded in fleeing away. The police seized the motorcycle and recovered 15 litres of illicit country-made liquor from the motorcycle.

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 is the registered owner of the motorcycle in question. He further submits that the petitioner had already sold his motorcycle to co-accused Dilip Yadav and in support of his submission, learned Counsel has annexed, AT Annexure-2 series, affidavits, dated 14.07.2018, duly sworn in by the petitioner and co-accused Dilip Yadav. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that seized motorcycle was sold by the petitioner to the arrested co-accused Dilip Yadav and further the petitioner has got no criminal antecedent, 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 learned Exclusive Special Excise Court No. II, Supaul, in connection with Misc. Excise Case No. 270 of 2022, arising out of P.R. No. 03 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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