

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77986 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- NAUTAN District- Siwan

MUKESH KUMAR S/O- NAND JI YADAV Village- Jigana Jagaranath Tola
Takalpura Po-Jigana Math Ps-Mirganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-11-2024 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 Nautan Police Station Case No. 116 of 2024, dated 10.06.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that the police, during the course of patrolling, got secret information that one person was carrying illicit liquor on a motorcycle, and reached at the place of occurrence. On seeing the police party, the rider of motorcycle started fleeing away after leaving the motorcycle on the spot, however, he was apprehended.



The apprehended person disclosed his name as Jaiprakash Singh. Upon search, total 12 liters of illicit liquor has been recovered from the motorcycle, in question. The petitioner happens to be the owner of the motorcycle.

4. Learned counsel for the petitioner submits that he has been made accused on the basis of the fact that he happens to be the owner of the motorcycle. Referring to the para-9 of the bail application, learned counsel submits that the motorcycle, in question, was sold by the petitioner in favour of the co-accused Jaiprakash Singh and the possession was handed over to him about two years back. At the time of seizure of illicit liquor, the motorcycle was being driven by the co-accused Jaiprakash Singh, who was apprehended by the police.
5. Regards being had to the submission made by the parties and taking into consideration the justification given by the petitioner and the fact that the petitioner is not having any 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 the learned Exclusive Special Excise
Court No. II, Siwan, in connection with Nautan Police
Station Case No. 116 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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