

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78334 of 2024

Arising Out of PS. Case No.-781 Year-2024 Thana- Excise P.S. District- Lakhisarai

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1. Bablu Kumar S/O Late Ram Chaudhary R/o Near Lakhisarai Block, P.S. and Distt.- Lakhisarai
 2. Manish Kumar S/o Manoj Thakur R/o Purani Bazar Chitranjan Road, Naya Tola, Kali Sthan, Ward no. 10, P.S. and Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Excise P.S. Case No. 781C2 of 2024 registered for the offences punishable under Sections 30(a) & 41 of the the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 288 liters of illicit foreign liquor from the pick-up van bearing Regd. No. BR53G-5146.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners were not present at the spot rather the police have dragged the petitioners in this case on the basis of the confessional statement of the co-accused Nandu Kumar, who is the driver of the alleged vehicle. The petitioners are neither driver nor owner of the alleged vehicle. The petitioner no.2 has got no criminal antecedent whereas petitioner no.1 has three criminal antecedents as has been stated in paragraph no.3 of the present anticipatory bail application and, in all of them, he is on bail. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioners further submits that the co-accused Nandu Kumar has been granted regular bail by this Court vide order dated 29.10.2024 passed in Cr. Misc. No. 77704 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the



learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 781C2 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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