

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79686 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- DEWARIA District- Muzaffarpur

Gulshan Kumar Son of Shobhanu Ram @ Somanu Ram @ Bhanu Ram @
Somanu Ray Village- Balthi Raisi PS- Sahebganj District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and 272, 273 of the Indian Penal Code in connection with Deoria/Deoriya P.S. Case No.132 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 51.840 liters of liquor from a motorcycle and has been falsely implicated in the present case.

4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the seized motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that co-accused, Sunny Kumar reached at Deoria Chowk and asked to the petitioner for motorcycle for urgent work and assured that he will return within 20 minutes from Murgiya Chowk. Further submits that petitioner was completely unaware that co-accused, Sunny Kumar would misuse his vehicle in the manner as alleged.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Court No.II, Muzaffarpur in connection with Deoria/Deoriya



P.S. Case No.132 of 2024, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Prakash Narayan

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