

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84965 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- Excise P.S. District- Kishanganj

Chuman Lal Singh Son of Kishan Lal Singh Village- Fulwari Ward No.- 12
Chakla, Police Station- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2024 Learned counsel for the petitioner is permitted to

make necessary correction in provision of law under which the

present application has been filed.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Special Case No. 309/2023 arising out of
Madya Nisedh P.S. Case No. 290 of 2023 registered for the
offences punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, 750 ml illicit liquor was
recovered from *Pithu* bag of co-accused Vishnu Pandey who
was driving the Hero Splendor Motorcycle bearing Registration
No. BR37E8228.



5. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. Learned counsel orally submits that during the course of the investigation, the name of the petitioner has been transpired in this case as the owner of the seized motorcycle in question. He further submits that motorcycle of the petitioner was taken in good faith for bringing medicine of ailing mother of co-accused Vishnu Pandey. Petitioner has no concern with the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise) II, Kishanganj in connection with Special Case No. 309/2023 arising out of Madya Nisedh P.S. Case No. 290 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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