

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83647 of 2024

Arising Out of PS. Case No.-878 Year-2024 Thana- Excise P.S. District- Aurangabad

Mukesh Kumar S/o Dilip Choudhary R/o Village- Dumrawan, P.S- Banke bazar, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 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 Excise Police Station Case No. 878 of 2024, dated 05.09.2024, disclosing offence under Sections 30(a)/32(3) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, during checking of vehicles, signaled one motorcycle to stop but seeing the police, the person, riding the motorcycle, tried to flee away, but the police apprehended him who disclosed his name as Subodh Chaudhary. The police seized the motorcycle and recovered 35 litres of illicit Nepali liquor from the motorcycle.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the motorcycle, in question. She further submits that the arrested co-accused Subodh Chaudhary had borrowed the motorcycle of the petitioner for his personal work and the petitioner was unaware that illicit liquor was being transported on his motorcycle.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the seized motorcycle, 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 a period of four weeks from today, 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
Special Judge, Excise-II, Aurangabad, in connection with
Excise Police Station Case No. 878 of 2024, 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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