

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83637 of 2024

Arising Out of PS. Case No.-698 Year-2024 Thana- Excise P.S. District- Gaya

Vimlesh Kumar S/o Arun Kumar Singh Resident of village- Kharhari, police station- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Rajendra Singh

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 Case No. 698 of 2024, dated 13.07.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police intercepted a motorcycle and upon seeing the police, the person riding on the motorcycle, fled away leaving behind the motorcycle. The police seized the motorcycle and recovered 50 litres of illicit country-made liquor liquor from a white-coloured bag kept in the motorcycle.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case merely because he is the registered owner of the motorcycle in question. He further submits that the petitioner had sold the motorcycle in question to one Mukesh Kumar on 01.08.2022 itself and in support of his submission, learned Counsel has annexed the affidavit, dated 01.08.2022, duly sworn in by Mukesh Kumar, showing that Mukesh Kumar has purchased the motorcycle in question. The petitioner has also informed the District Transport Officer regarding sale of his motorcycle to Mukesh Kumar (Annexure-2 series).

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that seized motorcycle does not belong to the petitioner and further the petitioner has got no 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 learned Exclusive Excise Judge No. III, Gaya, in connection with Excise Case No. 698 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

