

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86049 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- MAHUA District- Vaishali

Banti Kumar @ Yuvraj Kumar S/O Pramod Singh R/O Madhopur Nizna, P.S.-
Mahua, Dist. -Vaishali

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 168 of 2023 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act. He has one criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against petitioner is to involve in trade/business of illicit liquor where 3964.5 liters of liquor was recovered from a truck and a pickup van.

4. Learned counsel for the petitioner submits that



the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession. It is further submitted that the petitioner came to be implicated at the instance of Chowkidar. It is also submitted that petitioner is not the owner of the truck and the pickup van. It is also pointed out that similarly situated co-accused Rahul Kumar @ Rahul Kumar Singh has already been granted privilege of anticipatory bail by one of the learned coordinate Bench of this Court vide order dated 27.06.2023 passed in Cr. Misc. No. 39331 of 2023.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, accordingly, 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 bonds of Rs. 50,000/- (Rupees fifty Thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Excise and Prohibition Court-II-cum-Additional District and Sessions Judge, Hajipur, Vaishali/successor court in connection with Mahua P.S. Case No. 168 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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