

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5177 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- BIKRAM District- Patna

Bihari Kumar @ Bihari Yadav SON OF DAROGA YADAV VILLAGE-
BARKI BALIYARI, P.O.- ARAP, P.S.- BIKRAM, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2024 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 Section
30(A) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 55 liters of liquor from a motorcycle.

4. It is next submitted that petitioner was not arrested
on the spot as such nothing was recovered from his conscious
possession. It is also submitted that the police in a mechanical
manner implicated the petitioner with an allegation that he is
owner of the motorcycle, when it is asserted and submitted that
petitioner is not the owner of the motorcycle, rather the
motorcycle is registered in the name of one Bejendra Kumar,



son of Badri Mahto, resident of Dariyapur, P.S.-Naubatpur, District-Patna. It is thus submitted that this amply demonstrate that police in mechanical manner investigate and implicate.

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 six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Special Case Excise No.2742 of 2023 arising out of Bikram P.S. Case No.367 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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