

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88002 of 2024

Arising Out of PS. Case No.-809 Year-2024 Thana- Excise P.S. District- Aurangabad

Vivek Kumar Son of Umesh Yadav Resident of Village- Gandhi Nagar, Near
Town School South, P.S.- Nagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 809 of 2024, punishable for the offences
registered under Sections 30(a), 30(c) and 30(d) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 138.600
liters liquor, 35 litres of spirit and other articles were recovered
from beneath the neem tree.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no concern with the alleged
recovery of liquor and spirit. Learned counsel for the petitioner



also submits that the alleged recovery has been made from an open place which is easily accessible to public at large. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 22.11.2024 passed in Cr. Misc. No. 71511 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 809 of 2024, subject to the conditions as laid down under Section 482(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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