

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2823 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- Excise P.S. District- Aurangabad

Mrityunjay Kumar Son Of Bindeshwari Prasad R/O Tejpura, P.S.- Obra,
Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Daudnagar Excise P.S. Case No. 38 of 2023, registered on for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about carrying of illicit liquor in a motorcycle. The identified motorcycle was intercepted and two persons were apprehended and from their possession recovery of 10 liters of country made *chulai* liquor was made. The petitioner is stated to be the owner of the motorcycle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is not named in the FIR and his name came up in this case in course of investigation as his motorcycle was being used in transportation of illicit liquor but the petitioner has no role in the transportation of illicit liquor and the motorcycle was taken by his cousins on some other pretext and the petitioner gave his motorcycle in a good faith to his cousins. The petitioner has no concern or knowledge with the activities of the co-accused persons except the fact that they are his cousins. The petitioner has got one criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has been shown from the motorcycle from which two persons were apprehended with illicit liquor and they are stated to be cousins of petitioner who borrowed the motorcycle from the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise-II/concerned court, Aurangabad (Bihar) in connection with Daudnagar Excise P.S. Case No. 38 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

