

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34053 of 2025

Arising Out of PS. Case No.-199 Year-2023 Thana- TARARI District- Bhojpur

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Deshraj Singh S/o Naujadik Singh R/o Village- Tetarhat, P.S.- Badem,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tarari P.S. Case No. 199 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 20 litre country made mahua liquor was recovered from the Discover motorcycle in question and co-accused Chanchal Kumar was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR and during the course of investigation the name of the petitioner has been surfaced in this case as the owner of the said motorcycle in question. He further



submits through paragraph 9 of the bail petition that the apprehended co-accused Chanchal Kumar (brother-in-law of son of petitioner) took the said motorcycle and misused the same and petitioner cannot be held liable for the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Petitioner was not found at the place of occurrence. He has nothing to do with the alleged recovery. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Judge Court No. - II, Bhojpur at Ara in connection with
Tarari P.S. Case No. 199 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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