

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60104 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- MAHINDWARA District- Sitamarhi

1. Amod Kumar Son of Chhotelal Ram Resident of Village - Korlahiya Harinarain, Ward No. 3, P.S. - Mahindwara District - Sitamarhi
2. Ram Sundar Ram Son of Chhotelal Ram Resident of Village - Korlahiya Harinarain, Ward No. 3, P.S. - Mahindwara Dist. - Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. At the outset, learned counsel for the petitioners seek permission to withdraw the bail petition of the petitioner no. 1, namely, Amod Kumar.

3. Permissions is accorded.

4. Hence, the prayer for anticipatory bail of the petitioner no.1, namely, is dismissed as withdrawn.

5. The petitioner apprehends his arrest in connection with Mahindwara P.S Case No. 184 of 2023 registered for the offences punishable under Sections 30(a) 32(i)(ii) 36, 41(i)(ii) of Bihar Prohibition and Excise Amendment Act 2022.

6. As per prosecution case, total 1867.32 litre illicit liquor was recovered from the truck.

7. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He further submits that petitioner is not arrested on the spot and name of the petitioner surfaced from the statement of the arrested accused persons. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is not registered owner of the vehicle in question. On perusal of seizure list there is no independent witness.

8. However, learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

9. From perusal of the F.I.R., impugned order and submissions made by the learned counsels, it appears that petitioner is not arrested on the spot, no illegal liquor has been recovered from the conscious possession of the petitioner and they have got no criminal antecedent.

10. Considering the aforesaid facts and circumstances of the case, materials on record and submissions made on behalf of the petitioner, let the above named petitioner no. 2 be released on bail in the event of his arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Judge-I, Sitamarhi in connection with Mahindwara P.S
Case No. 184 of 2023, subject to the condition laid down under
Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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