

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75675 of 2024

Arising Out of PS. Case No.-936 Year-2024 Thana- Excise P.S. District- Aurangabad

Balmukund Mehta Son of Munarika Mehta R/O Vill.- Simri bala, Matpa, P.S.-
Kutumba, 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.Suresh Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case no.936 of 2024 registered under Sections
30(a) and 32(3) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. It would appear from earlier order dated 11.11.2024
that compliance of the provisions of Section 105 of the B.N.N.S,
Act, 2023 had been asked for from the Superintendent of Police,
Aurangabad. Counter affidavit on behalf of the Superintendent
of Police, Aurangabad has been filed and stating therein that
Section 105 of B.N.N.S has been complied in the instant case in
the process of seizure.

4. As per the prosecution case, 22 liters of country
made liquor was recovered from a Splendor Pro motorcycle



which was driven by accused Sudarshan Paswan.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner is not named in the F.I.R and cause of his false implication only for the reason that he happens to be the registered owner of the seized motorcycle. No recovery has been made on the conscious possession of the petitioner. He further submits that much prior of the alleged occurrence, the motorcycle in question had been sold to co-accused Sudarshan Paswan who was using him and the petitioner had nothing to do with the said motorcycle. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

6. The application for anticipatory bail is opposed by learned A.P.P. for the State.

7. In view of the facts of the case that the petitioner has no criminal antecedent as also no recovery has been made from physical or conscious possession from him, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Excise P.S. Case no.936 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge
Excise-II, Aurangabad, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure/Section
482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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