

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86308 of 2024

Arising Out of PS. Case No.-427 Year-2024 Thana- BUDDHACOLONY District- Patna

Ritesh Kumar S/o- Ashok Lal Resident of village- Changel Ps- Katra, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Budha Colony P.S. Case No. 427 of 2024 in Special Case No. 1233 of 2024 dated 13.09.2024 registered under Section 30 (a), 37 of the Bihar Prohibition & Excise Act, 2022.

3. As per the prosecution story the Police intercepted a motorcycle and the persons sitting upon the motorcycle tried to flee away, however, Police arrested three persons in drunken condition, who disclosed their name as Jivesh Kumar Lal, Rohit Kumar and Shambhu Kumar. Upon search, 180 ml of whiskey was recovered from the motorcycle in question.

4. Learned counsel for the petitioner submits that the petitioner has been made accused on the basis of the fact that he happens to be the owner of the motorcycle in question. One of the co-accused, who was arrested from the place of occurrence



namely, Jivesh Kumar Lal is the own brother of the petitioner, who had taken the motorcycle and was arrested along with his friends. The petitioner was not aware about liquor being kept in the motorcycle in question. The petitioner is having no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that the brother of the petitioner was arrested along with the motorcycle from which 180 ml of illicit liquor has been recovered and the petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act I, Patna in connection with Budha Colony P.S. Case No. 427 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anil Kumar Sinha, J)

