

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87396 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- EKMA District- Saran

Manish Patel Son of Late Ashok Patel village- Parsa Gadh, Ps- Ekma, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-01-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Ekma P.S. Case No. 320 of 2024, disclosing offences under Section 30(a) of Bihar Prohibition and Excise(Amendment) Act.

3. The prosecution case in brief is that police got the information that the petitioner alongwith one co-accused namely Rahul Chaudhary were carrying illicit liquor in the scooty, intercepted the scooty and arrested co-accused Rahul Chaudhary but the petitioner managed to escape. The arrested co-accused disclosed the name of the petitioner. Police recovered 20 liter country made liquor from the scooty. On the basis of disclosure made by the arrested co-accused 60 liters of illicit liquor has



been recovered from the bush situated in the backside of Kariman Mali's house.

4. Learned counsel for the petitioner submits that the petitioner is not the owner of the scooty. The petitioner has been made accused in this case on the basis of disclosure made by the arrested co-accused person and he is not the owner of the scooty. He further submits that 60 liters of recovery has been made from the confessional statement of the co-accused from an open place not belonging to the petitioner.

5. Learned counsel for the State opposes the prayer of bail and submits that on the basis of the confessional statement of co-accused, recovery of 60 liters of illicit liquor has been made and the petitioner is having criminal antecedents of similar nature of offence.

5. Regards being had to the submission advanced on behalf of the parties and taking into consideration that fact that the illicit recovery has not been recovered from the vehicle owned by the petitioner nor from the premises belonging to him, hence, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let petitioner, above named, in the event of his



arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Special Judge Excise, Saran, Chapra in connection with Ekma P.S. Case No. 320 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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