

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88320 of 2024

Arising Out of PS. Case No.-252 Year-2024 Thana- CHHATAPUR District- Supaul

Mukesh Paswan @ Mukesh Kumar S/o Late Kulanand Paswan R/o Village-
Hasanpur, PS- Chhatapur, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravi Shankar

For the Opposite Party/s : Mr.Arvind Kumar Pandey(App84)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chhatapur P.S. Case No. 252 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 22.500 litre foreign liquor was recovered from the Pulsar motorcycle in question. Apprehended co-accused Amar Kumar disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He



further submits that except disclosure of co-accused Amar Kumar, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel orally submits that petitioner is not the owner of the Pulsar motorcycle in question. Petitioner was not found at the place of occurrence. Petitioner bears criminal antecedent of one case in which he is on bail. 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. Learned counsel further submits that petitioner is ready to give an undertaking that he is not the owner of the motorcycle in question at the time of furnishing bail bond before the learned trial court.

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, 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 Judge, Excise Court, No. 1, Supaul in connection with Chhatapur P.S. Case No. 252 of 2024 subject to the conditions as laid down under Section 482 of BNSS.

7. It is further made clear that in case petitioner fails to comply his undertaking given before the Court, the prosecution will be at liberty to go for cancellation of anticipatory bail granted to the petitioner.

(Alok Kumar Pandey, J)

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