

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87488 of 2024

Arising Out of PS. Case No.-794 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Munna Prasad S/O Mangal Prasad @ Mangal Prasad Jayswal Village- Ward
No. 10, Bari Bazar, Mohania, P.O. and P.S.- Mohania, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kiran Kumari Sharma

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 21-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Bhabhua Police Station Case No. 794 of 2024,
disclosing offences under Sections 30(a), 32(i)2, 32(iii) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, on 14.10.2024, during
checking, one truck coming from U.P. having U.P. registration
number was intercepted and upon search, 259.200 liters of
liquor was recovered.

4. Learned Counsel for the petitioner submits that the
petitioner is the owner of the truck having no criminal
antecedent and he has been made accused merely because he
happens to be the owner of the truck. The truck was being
driven by driver and co-driver who were arrested from the



spot. At the time of seizure, the truck was loaded with boulders. The petitioner was not aware that the driver and co-driver were carrying illicit liquor inside the truck.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has been made accused only because he happens to be the owner of the truck which was being driven by the driver and co-driver who were arrested from the spot, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Special Judge Excise, Kaimur at Bhabhua, in connection with Bhabhua Police Station Case No. 794 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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