

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90184 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Sripati Pathak Son of Late Kulanand Pathak Resident of Village - Beri
Bishunpur, P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ugranath Mallik
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-01-2025
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 K. Asthan Police Station Case No. 315 of 2024, dated 03.10.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3.

The prosecution case, as per the First Information Report, is that the police, on secret information that co-accused Fulo Bhagat is selling illicit liquor by keeping the same in the dicky of his motorcycle, reached at the place of occurrence and saw a motorcycle parked by the side of road and no one was present near the motorcycle. On search, the police recovered 2.625 litres of illicit liquor



kept in the dicky of the motorcycle in question.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he happens to be the registered owner of the motorcycle in question. He further submits that the petitioner has sold the motorcycle to co-accused Fulo Bhagat two years ago. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he claims that he sold the motorcycle to co-accused Fulo Bhagat, 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 Exclusive Special Excise Court No. I, Darbhanga, in connection with K. Asthan Police Station Case No. 315 of 2024, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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