

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89409 of 2024

Arising Out of PS. Case No.-411 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Tarkeshwar Mishra S/o Shankar Mishra R/o vill - Mathiya Dayaram, P.S. -
Kuchaikote, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner apprehends arrest in connection with
Kuchaikote P.S. Case No. 411 of 2024 dated 28.09.2024,
instituted for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Amendment Act 2022.

3. The allegation is of recovery of 18 litres country
made liquor from the gunny bag which was tied with
motorcycle bearing Reg. No. BR28D9077. Three persons were
apprehended on the spot who disclosed that the said motorcycle
and illicit liquor belong to the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that only on the basis of



confessional statement of the co-accused persons, who were apprehended at the spot, the petitioner has been made accused in this case. It is further submitted that the seized motorcycle belongs to one Awadh Kishore Rai and petitioner has no concern either with said vehicle or illicit liquor. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kuchaikote P.S. Case No. 411 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IV cum Exclusive Special Excise Court No. II, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:-

I. The petitioner shall be granted the privilege of anticipatory bail after due verification that he is not the owner of seized motorcycle. If the petitioner is found to be the owner of



seized motorcycle then the anticipatory bail application of the
petitioner shall stand rejected.

(Khatim Reza, J)

sankalp/-

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