

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88431 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- SAHPUR District- Bhojpur

Raushan Pandey S/o- Harendra Pandey Village- Gopalpur P.S-Shahpur
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary

For the Opposite Party/s : Mr.Ramchandra Sahni

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 Shahpur P.S. Case No. 80 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. of the Indian Penal Code.

3. As per prosecution case, altogether 43.260 litre illicit liquor was recovered from two bags which was carried on on motorcycle. It is alleged that co-accused persons succeeded in fleeing away from the place of occurrence. Hence, FIR was registered against unknown persons.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. He further submits that during the course of investigation, the name of the petitioner has been



surfaced in this case. He further submits that when the petitioner refused to make signature on seizure list, the police falsely implicated him in the present case. He further submits that even the police has wrongly mentioned the registration number of the petitioner's motorcycle as the correct Registration No. is "BR03Z-3141" but the police has mentioned it as "BR03L-3141". Petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent.

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, keeping in view clean antecedent of petitioner, 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 Exclusive Special Excise Court No. 2, Bhojpur at Ara in connection with Shahpur P.S. Case No. 80 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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