

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90322 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- TARABARI District- Araria

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Umesh Kumar @ Umesh Vishwas S/O Prithwi Vishwas @ Prithwi Lal Vishwas Resident of Village- Kabilasi Ward No. 7, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 24-01-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 102 of 2023 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, and sections 272 and 273 of the IPC.
3. As per prosecution case, there is alleged recovery of 135 litre country made liquor from the two motorcycles in question and apprehended co-accused, Sanichar Yadav, disclosed the name of petitioner who fled 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. Petitioner bears no criminal antecedent. Learned counsel orally submits that petitioner has no concern with either of the two motorcycles in question. Learned counsel has further stated in para 9 of the bail petition that alleged motorcycle bearing Registration No. BR 38 Q 3665 has no concern with the petitioner. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. He further submits that petitioner was not found at the place of occurrence. Nothing has been recovered from the conscious possession of the petitioner.

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, 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 Spl. Excise Court No.-2,



Araria, District- Araria in connection with Tarabari P.S. Case
No. 102 of 2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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