

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.89883 of 2024

Arising Out of PS. Case No.-746 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Rahul Singh Son of Ramanand Singh Resident of Village - Masarhi, P.S. -
Ramgarh, District - Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aquaib Khan

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 28-01-2025 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 Excise (Bhabhua) Police Station Case No. 746 of 2024, dated 25.09.2024, disclosing offences punishable under Sections 30(a)/32(1)/32(3)/41(1)/41(2) 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 a person is selling liquor on his motorcycle near the beetle shop situated at Masari More, reached at the place of occurrence and found a motorcycle parked and no one was present on or near the motorcycle. On search, the



police recovered 2.920 litres of illicit liquor kept in the motorcycle in question.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is the registered owner of the motorcycle, in question, but his friend had borrowed the same for his own work. He further submits that the petitioner was not present at the spot as no one has seen him fleeing away. 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, the petitioner is the registered owner of the motorcycle in question and his friend had borrowed the motorcycle, 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. II, Kaimur, at Bhabhua, in connection with Excise (Bhabhua) Police Station Case No. 746 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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