

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45569 of 2017

Arising Out of PS. Case No.-163 Year-2016 Thana- SONO District- Jamui

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Kumar Vivek, Son of Sri Anil Kumar, Resident of Mohalla- Beech Bajar,
Police Station- Sohsarai, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Mr.Md. Shamimul Hoda, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Sono P.S.
Case No.163 of 2017 registered for the offence under Sections
272, 273 of the Indian Penal Code and Sections 41,47, 53 of the
Bihar Prohibition and Excise Act,2016, has prayed for grant of
bail, in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that
the petitioner had already sold his truck, which is the subject
matter of the present case, to one Sri Vinod Kumar Vimal much
prior to the occurrence of the present case. Learned counsel for
the petitioner has drawn my attention to Annexure-3 to the
petition i.e. copy of petition filed before the court below for
release of seized vehicle, which was filed by one Vinod Kumar
Vimal, in whose favour , the petitioner had transferred the said



vehicle . Besides this, it has been argued that the petitioner on earlier occasion has never been made accused in any offence relating to the Excise Act. He accepts that in the case, there is allegation that the truck, which was sold by the petitioner much prior to the occurrence, was intercepted by the police and from the said truck , huge quantity of Indian Make Foreign liquor was recovered.

Considering the facts and circumstances, particularly Annexure-3 to the petition, which suggests that the petitioner had sold the said vehicle much prior to the occurrence, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Let the petitioner, namely, Kumar Vivek, in the event of his arrest or surrender within six weeks from today, 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 A.C.J.M. 1st, Jamui in connection with Sono P.S. Case No.163/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure

(Rakesh Kumar, J)

nawalkrs/-

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