

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4626 of 2018

Arising Out of PS.Case No. -715 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Mohan Sharma S/o Late Baldev Singh, R/o Village- Bakhari Nazir, P.S.-
Mehsi , District- East Champaran (Motihari) (owner of Motor Cycle Hero
Splender No. BR-06AM-9892).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail

in connection with Muzaffarpur (Town) PS case no. 715 of 2017

instituted for the offences punishable under Sections 149, 147, 290

of Indian Penal Code and 37(C) of the Bihar Excise and

Prohibition Act, 2016.

The allegation is regarding the co-accused Manish

Kr. Jha, who was driving the motorcycle, having been

apprehended in a drunken condition. However, no illicit liquor had

been recovered from the said motorcycle.

The learned counsel for the petitioner submits that

the petitioner had given the motorcycle to the said co-accused

Manish Kumar Jha for repairing and the motorcycle was being



misused by the said co-accused person, however neither the petitioner has been found at the spot nor anything has been recovered from his conscious possession. It is further submitted that since no recovery has been made even from the possession of the co-accused person, the co-accused person having been found to be drunken is solely liable for the offence under Excise Act. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly, the fact that *prima facie*, no offence under the provisions of the Excise Act are made out, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Addl. Sessions Judge-cum-Special Judge (Excise), Muzaffarpur or his successor in connection with Muzaffarpur (Town) PS case no. 715 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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