

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25279 of 2018

Arising Out of PS.Case No. -166 Year- 2017 Thana -SONO District- JAMUI

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SONEL KUMAR @ SONAL KUMAR, S/o Sukhdev Paswan, R/o
Rajendranagar Power House Road, Gachhi Tola Ward No. 32, Begusarai,
P.S.- Begusarai, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Sono P.S. Case No. 166 of 2017 for the offences punishable
under Sections 272, 273 of the Indian Penal Code and Section
30A, 41 and 47 of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 52.500 liter of
illicit liquor from the Maruti Suzuki Desire car and the petitioner
is said to be the owner of the said car.

The learned counsel for the petitioner submits that
though the petitioner is owner of the car, but he had given the said
car to the driver, hence he had no knowledge as to what was being
transported by the driver. It is further submitted that no recovery



has been made from conscious possession of the petitioner. It is further submitted that the provisions of Section 100 of the Code of Criminal Procedure has not been complied with, hence the seizure itself is doubtful. It is stated that the petitioner has no criminal antecedent.

Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd, Jamui in connection with Sono P.S. Case No.166 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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