

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12575 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- DALSINGHSARAI District- Samastipur

DEVENDRA KUMAR @ DEVENDRA RAI @ DEBU Late Arjun Singh
Village-Baghi, P.S-Mufassil, Distt.-Samastipur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dalsingsarai Police Station Case No. 56 of 2018, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30(a)/38(1)/38(2)/41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information, intercepted one TATA 407 and one Alto car, and arrested four persons from the spot and also recovered 882 litres of illicit liquor from the said two vehicles.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case merely on the basis of the statement of the arrested persons before the police. He further submits that



the petitioner is not the owner of the said two vehicles and no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized vehicles do not belong to the petitioner and further no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Devendra Kumar @ Devendra Rai, 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 3rd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Dalsingsarai Police Station Case No. 56 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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