

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8240 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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BINDESHWAR RAI @ BINDESHWAR KUMAR, Son of Anil Rai, R/v-
Akilpur, P.S.- Akilpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Industrial Area P.S. Case No. 165 of 2018 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the
petitioner has been made accused in the present case on the
basis of the statement of the co-accused who was arrested with a
motorcycle in question along with illicit liquor. It is submitted
that in paragraph 10 of the application the petitioner has made a
categorical statement that the petitioner has got no connection
with the alleged occurrence and he is not the owner of the
Splendor Plus Hero Motorcycle. It is also submitted that the



petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail, but considering the facts and circumstances in which there is no recovery from the petitioner and it is stated that the motorcycle does not belong to him and he has no criminal antecedent, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 165 of 2018, subject to the condition that he shall make himself available for interrogation before the Investigating Officer within a period of two weeks from today and in case it is found that the motorcycle in question belongs to this petitioner, the Investigating Officer will be at liberty to file an application for cancellation of bail. The petitioner shall also abide by the conditions prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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