

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9610 of 2019

Arising Out of PS. Case No.-354 Year-2018 Thana- AGAMKUAN District- Patna

BIJENDRA RAY Son of Krishna Ray @ Kriahan Ray Resident of Village-
Jafrabad Dih, P.S-Raghopur, Dist.-Vaishali

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail in Special Case No. 4847 of 2018 arising out of Agamkuan P.S. Case No. 354 of 2018, for the offence under Sections 413, 414/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

In course of raid conducted by the police certain articles were recovered constituting offence punishable Section 30(a) of Bihar Prohibition and Excise Act, 2016. It appears that in course of enquiry, which is the part of the First Information Report itself, the police learnt about theft of motorcycles and transactions with the stolen motorcycles. One of the co-accused is said to have disclosed that one of such motorcycles was sold to the petitioner.



Learned counsel for the petitioner has submitted that over and above the said allegation, there is nothing against the petitioner, who has no criminal antecedent. It is not mentioned in the First Information Report that the petitioner had purchased the motorcycle with the knowledge that the motorcycle was stolen one.

Learned counsel for the petitioner is correct in his submission that no offence Section 30(a) of Bihar Prohibition and Excise Act, 2016 is made out.

Considering the facts and circumstances and the aforesaid submission, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Special Judge Excise, Patna in Special Case No. 4847 of 2018 arising out of Agamkuan P.S. Case No. 354 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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