

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17650 of 2019**

Arising Out of PS. Case No.-79 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

KANHAIYA KUMAR SINGH @ KANHAIYA SINGH Son of Kedar Singh
Resident of Mohalla - Khamhar, P.S.- Muffasil, in the district of Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-08-2019 The petitioner apprehends his arrest in connection with

Muffasil P.S.Case No. 79 of 2018 registered under Section 420

of the Indian Penal Code and 30(a) of the Bihar Prohibition and

Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the
police party intercepted a truck bearing Registration No. PB-
11BF-9636 and recovered a total quantity of 2790 litres of illicit
liquor from the same. It has further been alleged that one
Registration Card was also recovered in which name of one
Gurmel Singh as owner of the truck has been mentioned. It has
further been alleged that upon seeing the police party, three
persons riding on the truck succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner



has got no criminal antecedent and he has falsely been implicated in the present case with oblique motive. Learned counsel further submits that the truck from which illicit liquor was recovered does not belong to the petitioner inasmuch as from perusal of FIR itself, the owner of the truck is one Gurmel Singh and the name of the petitioner has transpired on the basis of statement made by the driver of the truck before the police. Learned counsel submits that illicit liquor has not been recovered from the conscious possession or the vehicle belonging to the petitioner. Accordingly, submission is that no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the conscious possession of the petitioner or the vehicle belonging to the petitioner and further petitioner has got no criminal antecedent and his name transpired on the basis of confessional statement of co-accused before the Police, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the



like amount each to the satisfaction of the learned Addl. Sessions Judge 2nd, Begusarai cum Special Judge, Bihar Prohibition & Excise Act, 2016 in connection with Muffasil P.S.Case No. 79 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

