

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17681 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- LAKHNAUR District- Madhubani

SANDEEP KUMAR, Son of Upendra saw Resident of Village - Piparaghat
Ward No. 1, P.S.- Lakhanour, R.S.O.P., Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-08-2019 The petitioner apprehends his arrest in connection with
Lakhnour (R.S. O.P.) P.S.Case No. 03 of 2019 registered under
Sections 272 and 273 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 is that the police party
stopped one motorcycle and the persons, who were riding the
same, tried to flee away, however, one person, namely, Pasupati
Kumar has been arrested and one person succeeded in fleeing
away. The arrested person disclosed the name of this petitioner
and further disclosed that motorcycle belongs to the petitioner.
The police seized a total quantity of 8.400 litres illicit Nepali
liquor from the motorcycle.

Mr. Gagandeo Yadav, learned counsel for the petitioner



submits that petitioner has falsely been implicated based upon the disclosure made by arrested co-accused person and petitioner has no criminal antecedent. Learned counsel further submits that motorcycle does not belong to the petitioner and no illicit liquor has been recovered from conscious possession of the petitioner or the vehicle belonging to the petitioner.

A report was called for by this Court regarding ownership of the motorcycle, which has been submitted by the learned Superintendent of Police, Madhubani, vide letter bearing No. 836 dated 11.08.2019, stating therein that ownership of the motorcycle based upon chassis number and engine number is not being found and in this regard, further investigation is required.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner has got no criminal antecedent and ownership of the motorcycle is not traceable and one person has been arrested along with motorcycle, and no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner, 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 Additional District and Sessions Judge -cum-Special Judge, Excise, Madhubani in connection with Lakhnour (R.S. O.P.) P.S.Case No. 03 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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