

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20576 of 2019

Arising Out of PS. Case No.-260 Year-2018 Thana- BAHERI District- Darbhanga

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RAMANJEE YADAV @RAMANJEE Son of Parmeshwar Yadav Resident of
Village - Bandihuli, P.s.- Baheri , Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vasudeo Ram

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Baheri P.S. Case No. 260 of 2018 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the case of the prosecution, the police seized a truck loaded with huge quantity of foreign liquor. A motorcycle was found parked near the said truck. The motorcycle belongs to the petitioner, over which there is no dispute. Only on the ground that the petitioner is owner of the said motorcycle, which was found parked somewhere near the truck, the petitioner has been implicated in the case.

Learned counsel appearing on behalf of the



petitioner has submitted that there is no recovery of any incriminating material from the said motorcycle nor the petitioner has any criminal antecedent. He has accordingly submitted that even if the case of the prosecution, as disclosed in the First Information Report, is treated to be correct, no offence under the provisions of the Bihar Excise Act can be said to be made out and still he apprehends arrest because he has been named in the First Information Report as registered owner of the said motorcycle. I find substance in the submission advanced on behalf of the petitioner, 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 A.D.J. Vth-cum-Special Judge (Excise), Darbhanga, in Baheri P.S. Case No. 260 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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