

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18225 of 2019**

Arising Out of PS. Case No.-52 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Chandan Kumar, Son of Ramkrit Singh, R/o village- Dobhi (in Front of old Thana), P.S.- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Rajendra Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-04-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Excise Case No. 52 of 2019 registered for the offences punishable under Sections 30(d) and 56(Kh) of the Bihar Prohibition and Excise Act, 2016 and Sections 2(e), 3, 5 and 13 of the Bihar Excise (Mahua Flowers) Rules, 2006.

Learned counsel for the petitioner submits that the illicit liquor has been recovered from a Bolero vehicle with which the petitioner has no connection. It is submitted that although the petitioner has not made statement in the application that Bolero vehicle does not belong to him, but he is ready and willing to submit an appropriate affidavit in the court below if



this Court would grant him with the privilege of anticipatory bail. Learned counsel further submits that on the same day the petitioner was involved in two cases, prior to that the petitioner had no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for anticipatory bail. However, no material could be placed before this Court to show that the petitioner has got any connection with the Bolero vehicle from which the alleged illicit liquor has been recovered.

Considering the facts and circumstances of the case where the name of the petitioner is said to have transpired in the confessional statement of the co-accused, but nothing has been recovered from the place of the petitioner and the petitioner is submitting that the vehicle in question does not belong to him as also that on the same day two cases were lodged against the petitioner, prior to that there was no criminal antecedent of the petitioner, 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 Special Judge, Excise, Gaya in connection with Excise Case No. 52 of 2019, subject to



the condition that petitioner shall submit an affidavit along with the bail bond saying that he is not the owner of the vehicle in question and has nothing to do with the said vehicle. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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