

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30485 of 2019

Arising Out of PS. Case No.-377 Year-2018 Thana- RIVILGANJ District- Saran

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ARVIND KUMAR SINGH @ ARVIND SINGH Son of Late Sachidanand Singh Resident of Village - Nayaka Barka Baju Tola, P.S.- Rivilganj, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-08-2019 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Revilganj Police Station Case No. 377 of 2018, disclosing offences under Sections 272/273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information that the petitioner, along with his driver, has brought illicit liquor in his tempo in order to sell it, proceeded towards the place of occurrence and saw two persons fleeing away from the tempo and when the police tried to catch them, they succeeded in fleeing. It has further been alleged that the petitioner is the



owner of the tempo and one Munna Rai is the driver of the tempo and upon search, 33.600 litres of illicit liquor has been recovered from the said tempo.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and is having no criminal antecedent. He further submits that in fact, the petitioner has been running his tempo as a public carrier and it is being driven by his driver. The petitioner had no knowledge that his driver was indulged in any trade of illicit liquor inasmuch as the tempo on which the illicit liquor was recovered, the same was not carried with the consent and permission of the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from a tempo, which was being driven by the driver and the justification given by the petitioner is reasonable, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Arvind Kumar Singh @ Arvind Singh, in the event of his arrest or surrender before the Court below within four weeks, 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 learned 6th Additional Sessions Judge -cum- Special Judge, Excise, Saran, at Chapra, in connection with Revilganj Police Station Case No. 377 of 2018, subject to the condition 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 bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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