

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27787 of 2019

Arising Out of PS. Case No.-347 Year-2018 Thana- ALAMGANJ District- Patna

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MUKESH KUMAR S/o Sri Akhilesh Kumar Resident of 33- M.I.G. Colony,
Block No. 05, Sector-03, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Ratan Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-08-2019 The petitioner apprehends his arrest in connection with Alamganj P.S.Case No. 347 of 2018, Special Case No. 6194 of 2018 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that while the police party was on patrolling duty, they saw a tempo coming towards Ganga Bridge and after seeing the police, tempo driver turned around and fled towards Hajipur. The police chased the tempo but the driver fled away leaving the tempo near a bush. Upon search, in total 81 litres illicit liquor was recovered from the tempo bearing Rg. No. BR 01PF-6492.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated merely on the basis of fact that he is owner of the tempo. He further submits that tempo was being plied on hire basis and on the date of occurrence, it



was being driven by one Sooraj Kumar, whose name and address has been mentioned in the supplementary affidavit filed by the petitioner today. Learned counsel further submits that from perusal of FIR, it appears that tempo driver as well as petitioner being owner has been made accused. He submits that illicit liquor was being allegedly carried on the tempo without consent and permission of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that tempo was being run on hire basis and further the petitioner has disclosed the name of the driver in his supplementary affidavit, 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 Special Judge, Excise, Patna in connection with Alamganj P.S. Case No. 347 of 2018, Special Case No. 6194 of 2018; 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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