

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30488 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- KHAJEKALA District- Patna

=====

DHIRAJ KUMAR Son of Ashok Prasad Resident of 35 Begum ki Haveli,
Patna City, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Parmanand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-08-2019 The petitioner apprehends his arrest in connection with

Special Case No. 6958 of 2018 arising out of Khajekalan

P.S.Case No. 242 of 2018 registered under Section 30(a) of the

Bihar Prohibition and Excise Act (hereinafter referred to as the

'Act').

Allegation against the petitioner is that the police party,

upon secret information that three persons were selling foreign

liquor, proceeded towards the place of occurrence and upon

seeing the police party, all three persons started fleeing away

and one person was caught hold by the police who disclosed his

name as Deepak Kumar and also disclosed the names of persons

who fled away as Bablu Yadav and Rakesh Sah. It has further

been alleged that 130 litres illicit foreign liquor was recovered

from a lane adjacent to the house of Bablu Yadav, 350 litres



country made illicit liquor kept in Jute sacks and also 40 litres country made liquor kept in a sack kept in tube of truck. The police further recovered a Scooty without any number plate and one person Suman Kumar was also arrested. It has also been alleged that upon enquiry from the District Transport Officer, it has been found that petitioner is owner of the Scooty .

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as illicit liquor has not been recovered from the Scooty, which allegedly was owned by the petitioner. Learned counsel further submits that in fact, petitioner had sold the Scooty in question in favour of Suman Kumar but name of purchaser was not transferred and it was being driven by Suman Kumar for all practical purposes. Learned counsel submits that petitioner was not found fleeing away from the place of occurrence and he was not at all having knowledge about all these incidents in which Suman Kumar and others were involved. Learned counsel submits that no recovery has been made from the place or vehicle belonging to the petitioner as such no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been



recovered from the vehicle belonging to the petitioner or the premises owned by 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 Special Judge, Excise, Patna in connection with Special Case No. 6958 of 2018 arising out of Khajekalan P.S.Case No. 242 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

