

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36669 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- KHUTAUNA District- Madhubani

INDAL RAM @ PANDIT JI @ INDAL KUMAR RAM Son of Ram Saran
Ram Resident of Village- Dhanusi, P.S.- Lalmaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Kanhaiya Kishore(App 100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-08-2019 The petitioner apprehends his arrest in connection with Khutauna P.S.Case No. 09 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that police intercepted one Scorpio vehicle and arrested one Chandeshwar Paswan. The police recovered a total quantity of 459 litres Napali illicit liquor from the said Scorpio vehicle.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as Scorpio vehicle, from which illicit liquor has been recovered, does not belong to the petitioner and owner of the said vehicle is one Lalan Yadav. Learned counsel further submits that name of the petitioner has been disclosed by co-accused Chandeshwar



Paswan, driver, with oblique motive. He thus submits that from perusal of FIR as well as seizure list, it appears that 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 no recovery has been made from the conscious possession or vehicle belonging to the petitioner and the same has been recovered from a Scorpio owned by one Lalan Yadav, 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 ADJ-II-cum-Special Judge, Excise, Madhubani in connection with Khutauna P.S. Case No. 09 of 2019; 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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