

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36561 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- BIBHUTIPUR District- Samastipur

SHRAVAN KUMAR @ AMLESH KUMAR Son of Kusheshwar Mahto
Resident of Village- Sohilwara, P.S.- Mansurchak, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Vibhutipur/Bibuutipur P.S. Case No. 68 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner in the present case has been falsely implicated without there being any prima facie material to support the allegation. It is submitted that the FIR has been lodged on the basis of self statement of Sub-Inspector of Police who has alleged that at about 9:00 p.m. one Scooty bearing registration no. BR09X/2232 was coming which he saw in the light but the



person driving the Scooty on seeing the Police party left the Scooty and fled away.

It is submitted that from the Scooty some illicit liquor have been recovered but the fact is that this petitioner has not been identified by any person and there is no indication in the FIR as to how this petitioner who is a resident of village Sohilwara, P.S.- Mansurchak, District- Begusarai would have been identified by the witnesses of the seizure list who belong to the district of Samastipur.

It is further submitted that in the petition there is a specific statement that this petitioner had nothing to do with the Scooty in question and further the two witnesses have filed petition before the Inspector General of Police, Patna in which they have alleged that the informant had got their signatures on the blank sheet of paper on a different pretext which has been used to falsely implicate the petitioner. It is further submitted that the petitioner has no criminal antecedent.

Learned APP has opposed the prayer of anticipatory bail as according to him, there are allegations that the petitioner was driving the Scooty and had fled away on seeing the Police party.

Considering the facts and circumstances of the case



whereunder it prima facie appears that the two seizure list witnesses have denied having present at the place of occurrence or have identified the petitioner and that there is no recovery of illicit liquor either from the physical possession or from any vehicle belonging to the petitioner as pleaded before this Court and further that he has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender in connection with Vibhutipur/Bibuutipur P.S. Case No. 68 of 2019 within four weeks from today be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Samastipur, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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