

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36821 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- MUFFASIL District- Aurangabad

RAHUL KUMAR S/o Anil Ram R/o village- Kataiya, P.S.- Hariharganj,
District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-09-2019 The petitioner apprehends his arrest in connection with Aurangabad Muffasil P. S. Case No. 184 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 the police intercepted Tata 407 EX-2 Transport vehicle bearing Reg. No. BR 26J 2040 from which two persons were unloading cartons, and both persons were apprehended by the police. Upon enquiry they disclosed their names as Ankit Kumar @ Bablu and Shailesh Kumar. Upon search the vehicle, the police recovered a total quantity 468 litres of illicit foreign liquor.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has falsely been implicated after lapse of considerable time inasmuch as the owner of the vehicle died five months prior to the date of occurrence and husband of



the owner told before the police that petitioner used to work as Driver of the seized vehicle. He submits that no recovery of illicit liquor has been made from the conscious possession of the petitioner and further petitioner is not the owner of the said vehicle from where illicit liquor has been seized.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner's name has come after considerable period of time and he is not named in the FIR and no illicit liquor has been recovered from his possession or vehicle owned by him, 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 Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Aurangabad Muffasil P.S.Case No. 184 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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