

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44311 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- UPHARA District- Aurangabad

Sushil Kumar, son of Sudama Singh Resident of Village - Akronja, P.S.-
Vanshi, Distt – Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Uphara P.S. Case No.16 of 2019 for the offence punishable under
Section 30(a) of Bihar Excise and Prohibition Act, 2016.

The allegation against the petitioner as per the First
Information Report that the police during course of checking
intercepted one motorcycle bearing Registration No.DL-9SZ-3563
and arrested a person riding upon the same who disclosed his name
as Bimlesh Kumar and from the motorcycle, the police recovered
one bottle illicit foreign liquor containing 750 ml.

Learned counsel for the petitioner submits that the
petitioner is innocent and petitioner has been made accused only on
the basis of the fact that Bimlesh Kumar was driving motorcycle
owned by the petitioner. He further submits that the petitioner was



not found at the place of occurrence and the Bimlesh Kumar, who was arrested with the motorcycle, had taken the motorcycle of the petitioner for some other purpose being the relative of the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that though the motorcycle belongs to the petitioner but petitioner has given reasonable justification that it was being driven by his relative who has taken his motorcycle for some purpose from the petitioner, in my opinion, no prima facie case against the petitioner is made out under the Excise Act, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

