

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48770 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Harbhagwan Singh, Son of Karnail Singh Resident of Village - 10/22, Balla Ram Nagar, Ward Number - 04, P.S.- Bhatinda, Distt - Bhatinda, State- Panjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Baikunthpur P.S. Case No.222 of 2018 for the offence punishable under Sections 420, 379/34 of the Indian Penal Code.

The allegation against the petitioner is that truck bearing No.PM-11AU-5238 was parked near the village Shankarpur and when the police intercepted truck, the person surrounding the truck started to escape and taking advantage of dark, they escaped from the place. However, one person was apprehended, namely, Ramesh Singh, who disclosed that driver of the truck had fled away. The police recovered 630 litres of



illicit liquor along with huge quantity of pesticides from the truck.

Dr. Amrendra Kumar, learned counsel for the petitioner, submits that petitioner is the owner of the truck residing in Punjab and it was given to the driver who was carrying consignment of pesticides and without knowledge and consent of the petitioner, it appears that illicit liquor has been loaded somewhere else by the driver. Learned counsel for the petitioner further submits that the liquor was not recovered from the conscious possession of the petitioner and there is no material to show that petitioner being the owner was also involved in the transportation of illicit liquor.

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 the petitioner is the owner of the truck which was carrying pesticides and the driver of the truck escaped from the place of occurrence and truck had been intercepted by the police, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, 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
Additional Sessions Judge IInd-cum-Special Judge, Excise Act,
Gopalganj, subject to the condition as mentioned under Section
438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

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

