

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67313 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- ASHTHAWAN District- Nalanda

1. Amit Kumar, Son of Arun Kumar, Resident of Village - Dayachak, P.S. - Barh, District - Patna.
2. Shishupal Singh, Son of Birendra Kumar Singh, Resident of Village - Tilaiya Damp, P.S. - Chandwara, District - Koderma Jharkhand.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Smt. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Rule, 1972, Section 8(d) of the Bihar Mineral (Prevention of Illegal Mining, Transportation & Storage), 2003 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Three litres of foreign liquor was allegedly recovered from the truck of which petitioner no. 1 was owner and petitioner no. 2 was driver. None of the petitioners were arrested at the spot.

Since there is presumption of knowledge of petitioner no. 2 Shishupal Singh, who was driver of the truck, I



am not inclined to enlarge the petitioner no. 2 on anticipatory bail. Hence, his prayer for anticipatory bail is refused.

Petitioner no. 2 may surrender before the court below and pray for regular bail within a period of three weeks from today.

Petitioner no. 1 Amit Kumar has got no criminal antecedent and he is owner of the vehicle, hence, let petitioner no. 1 Amit Kumar, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Asthawan Police Station Case No. 102 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner no. 1 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner no. 1.

(Birendra Kumar, J)

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