

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49856 of 2019**

Arising Out of PS. Case No.-378 Year-2016 Thana- UDWANTNAGAR District- Bhojpur

Sonu Goswami @ Sonu Kr. Goswami Son of Shri Chhoti Lal Goswami  
Resident of Village - Banda Singa, Via Belkapi, P.S.- Gor Har, District-  
Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suresh Mishra

For the Opposite Party/s : Mr.Shaheen Begum

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      09-08-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Udawant Nagar P.S. Case No. 378 of 2016 bearing G.R.  
No. 5256 of 2016, registered under Sections 30(a) and 56 of  
Bihar Prohibition Excise Act-2016.

The allegation against the petitioner is that on  
06.11.2016, police on secret information reached near the place  
of occurrence and saw that five persons upon seeing police party  
started fleeing away from a vehicle. On search of Bolero Pick-  
up-Van and Hundai Eon Car, police recovered 430.920 liters of  
illicit liquor from both the vehicles.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case, on the basis of confessional statement of the co-accused who was arrested ,namely, Santosh Singh. It would apparent that Umesh Kumar Singh had taken the Bolero Pick-up-Van after loading illicit liquor upon it near the place of occurrence and the petitioner has not been named by the co-accused in his confessional statement as a person involved in the trade of liquor.

Learned counsel further submits that fact of the matter is that the said Umesh Kumar Singh is the driver of Bolero Pick-up-Van and petitioner is the owner of the same and the Pick-up-Van was given to the driver for transportation of goods, but the driver without permission of the petitioner was indulged in illegal trade of transportation of liquor which was not known to the petitioner. Learned counsel further submits that merely on the basis of fact that petitioner is the owner of the vehicle, he has falsely been implicated in this case, accordingly, submission is that no prima facie case against the petitioner is made out upon perusal of the first information report and the confessional statement of the co-accused.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the Bolero Pick-up-Van which was driven by the



driver Umesh Kumar Singh and it cannot be said that the petitioner has given his consent or permission to the driver to indulge in illegal trade of liquor, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Court of IVth Addl. Sessions Judge-cum-Special Judge (Excise), Bhojpur at Ara, in connection Udawant Nagar P.S. Case No. 378 of 2016, Bhojpur bearing G.R. No. 5256 of 2016; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

Rahul/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

