

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51324 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- MADANPUR District- Aurangabad

=====

DHIRAJ KUMAR @ DHIRAJ KR. SINGH Son of Late Ashok Bahadur Singh Resident of Mohalla-Subash Nagar Dakra Colliery Khalari P.S.- Khalari, District-Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-08-2019 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Madanpur Police Station Case No. 67 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police intercepted a Maruti Ertiga car on the road and upon seeing the police, some persons tried to flee away and succeeded in fleeing away, however, one person, Pramod Chaudhary, was apprehended and search of the vehicle, in question, was made and 1000 litres of illegal spirit was recovered from the same. The petitioner is the owner of the



said vehicle and his name has been disclosed by the arrested person.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and from perusal of the First Information Report, it would be evident that the person, who was arrested from the spot, has disclosed the name of the petitioner, being the owner of the vehicle. He further submits that the vehicle is driven by the driver and the petitioner had got no knowledge about the transportation of illicit spirit by the driver inasmuch as the petitioner had not even given consent or permission to the driver to indulge in such kind of illegal act.

After having heard learned Counsel for the parties and taking into consideration the fact that from perusal of the First Information Report, it appears that nothing has been recovered from the conscious possession of the petitioner and further the justification given by the petitioner that the vehicle was being used by the driver, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Dhiraj Kumar @ Dhiraj Kumar Singh, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned 7th Additional Sessions Judge -cum- Special Judge, Excise, Aurangabad, in connection with Madanpur Police Station Case No. 67 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

