

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46814 of 2019**

Arising Out of PS. Case No.-62 Year-2019 Thana- PASRAHA District- Khagaria

Vikash Kumar Sharma @ Vikash Sharma, Son of Upendra Sharma Resident  
of Village- Navtoliya Bhimari, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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

3      01-10-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Pasraha P.S. Case No.62 of 2019, registered for the offence  
punishable under Sections 30(a), 38(1) of the Bihar Prohibition and  
Excise Act, 2016.

The allegation against the petitioner is that police  
intercepted the tractor owned by the petitioner and recovered a total  
quantity of 1125 litres of illicit liquor.

Learned counsel for the petitioner submits that petitioner  
has falsely been implicated in this case merely on the basis of the  
fact that he is the owner of the tractor. Learned counsel further  
submits that from perusal of the First Information Report, it would  
be evident that the police while making seizure of the illicit liquor  
from the tractor owned by the petitioner has stated that the liquor



kept therein belongs to one Suman Sharma. Learned counsel further submits that petitioner has purchased this tractor for the purpose of plying it on hire basis and it was driven by his driver. The petitioner has no knowledge or had not given any permission and consent to the driver to indulged himself in the illegal means. Learned counsel further submits that the petitioner has got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner is the owner of the tractor and the tractor was being driven by his driver, 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 2nd-cum-Special Judge, Excise, Khagaria, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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**(Anil Kumar Sinha, J)**

