

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48797 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- UJIYARPUR District- Samastipur

SHASHI KUMAR Son of Shri Kartik Pandit Resident of Village-Malpur,
P.O-Chaita, P.S-Ujiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-08-2019 The petitioner apprehends his arrest in connection with
Ujiyarpur P.S.Case No. 107 of 2019 registered under Sections
30(a) and 32(ii) of the Bihar Prohibition and Excise Act
(hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that the
Police, during patrolling, tried to stop motorcycle, but the person,
who was driving the motorcycle, succeeded in fleeing away, and
he was identified as Suman Kumar Bhandari. The police recovered
altogether 750 ml. Illicit liquor from the motorcycle bearing Rg.
No. BR 33V 5784, which belong to the petitioner.

Learned counsel for the petitioner submits that petitioner is
innocent and as per FIR, it is evident that when the police tried to
intercept the motorcycle, it was Suman Kumar Bhandari, who was
driving the motorcycle and succeeded in fleeing away. Learned



counsel further submits that in fact motorcycle was of the petitioner but the same was borrowed by Suman Kumar Bhandari and the petitioner did not have any knowledge about the fact that Suman Kumar Bhandari would be indulged in illegal activity using his motorcycle.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner has given reasonable justification that motorcycle of the petitioner was borrowed by Suman Kumar Bhandari and further that Suman Kumar Bhandari was found fleeing away from the spot as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Ujiyarpur P.S.Case No. 107 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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