

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48950 of 2019

Arising Out of PS. Case No.-289 Year-2019 Thana- KISHANGANJ District- Kishanganj

BAIJNATH RAY Son of Ram Charan Ray Resident of Village - Bastakola,
P.S.- Kochadhaman, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2

06-08-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Special Case no. 208 of 2019, arising out of Kishanganj P.S. Case No. 289 of 2019, disclosing offences under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

From a car, the police are said to have recovered a huge quantity of foreign liquor. The petitioner has been implicated on the ground that his motor-cycle was found parked near the said car.

Learned counsel, appearing on behalf of the petitioner, has submitted that no offence can be said to be made out against the petitioner on the basis of allegation of him being the owner of the motor-cycle, which was found parked near the car, in the absence of any allegation of recovery from the motor-cycle or any role attributed to him. I, *prima facie*, find force in the submission.



Considering the above, this application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge, 2nd-cum-Special Judge, Kishanganj in connection with Special Case No. 208 of 2019, arising out of Kishanganj P.S. Case No. 289 of 2019, subject to the condition as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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