

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50729 of 2019**

Arising Out of PS. Case No.-51 Year-2019 Thana- SANHAULA District- Bhagalpur

SURESH SAH S/o Mahadeo Sah R/o village- Rajpur, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

**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 Sanhaula Police Station Case No. 51 of 2019, disclosing offences under Sections 272/273 of the Indian Penal Code and 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 an auto rickshaw and upon seeing the police, the driver and one another person started fleeing away, however, the driver of the said auto rickshaw was caught on chase and upon search of the auto rickshaw, 28 litres of illicit liquor was recovered. The petitioner is the owner of the said vehicle and his name has been disclosed by the driver of the said auto rickshaw.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and only on the ground that the petitioner is the owner of the said auto rickshaw, he has been implicated in this case. He further submits that the auto rickshaw, in question, was given to the arrested driver, Md. Imteyaz, on rent, who used to give Rs. 500/- to the petitioner as daily rent of the said auto rickshaw. He further submits that the illicit liquor was not being carried with the consent or permission of the petitioner and there is no material to show that.

After having heard learned Counsel for the parties and taking into consideration the fact that auto rickshaw is a commercial vehicle, given by the petitioner to one Md. Imteyaz, the driver, on rent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Suresh Sah, 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 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Bhagalpur, in connection with Sanhaula Police Station Case No. 51 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.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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