

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54660 of 2019

Arising Out of PS. Case No.-417 Year-2018 Thana- BIHPUR District- Bhagalpur

Sanjay Kumar Dey @ Sanjay Dey, Son of Sri Sidhut Kumar Dey @ Sidhut De Resident of Village - Rasikpur Sonwadangal, P.S.- Kumka Nagar Thana, Dist.- Dumka (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Bihpur (Jhandapur) P.S. Case No.417 of 2018 for the offence punishable under Sections 30(A), 38(i) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as mentioned in the FIR is that police intercepted one Tata Zest B.S.4 vehicle, which was standing in suspicious condition near the hotel in front of Satyam Dharmkanta and recovered a total quantity of 280 litres of country-made liquor. It has further been alleged that owner of the vehicle is one Md. Auranjeb and nobody was found near the place of occurrence and around the seized



materials.

Mr. Ranjan Kumar Jha, learned counsel for the petitioner submits that petitioner is not named in the FIR and he has got no criminal antecedent. Learned counsel further submits that owner of the vehicle, Md. Auranjeb, has been arrested by the police, who in his confessional statement before the police has stated that the petitioner is driver of the said vehicle. Learned counsel further submits that petitioner has falsely been implicated at the behest of the owner of the vehicle and petitioner is neither a driver nor having any concern with the illicit liquor which has been recovered from the said vehicle.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner has no concern with the seized vehicle and from perusal of the FIR, it appears that the owner of seized vehicle is one Md. Auranjeb, as such, 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
Second Additional District and Sessions Judge-cum-Special
Judge, Excise, Bhagalpur, subject to the condition as mentioned
under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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