

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54631 of 2019

Arising Out of PS. Case No.-245 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

SHYAMBABU CHAUHAN Son of Balister Chauhan Resident of Village -
Majahidpur, P.S.- Siwan Muffasil (Dhanauti OP), Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Siwan Mufassil (Dhanauti O.P.) Police Station Case No. 245 of 2019, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30(a)/38(1) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information, intercepted a motorcycle, bearing registration no. BR 29AC-7543 and upon seeing the police, the persons riding on the motorcycle, including the petitioner, fled away. The police seized the motorcycle and recovered 7.5 litres of illicit liquor



from a bag kept in the motorcycle.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the allegation has been levelled against the petitioner on the basis of mere secret information received by the police. He further submits that the petitioner has got no criminal antecedent and referring to paragraph 6 of this application, he further submits that the motorcycle, in question, does not belong to the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized motorcycle does not belong to the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Shyambabu Chauhan, in the event of his 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan, in connection with Siwan Mufassil (Dhanauti O.P.) Police Station Case No. 245 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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