

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55588 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- SRINAGAR District- West Champaran

Sadhu @ Virendra Prasad @ Vivendra Prasad, Son of Chotelal Prasad
Resident of Village- Sigahi, P.S.- Shrinagar Pujha, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Srinagar Pujha P.S. Case No.136 of 2018 for the offence punishable
under Sections 30(a) of Bihar Excise and Prohibition Act, 2016.

The allegation against the petitioner is that police
intercepted three motorcycles and the persons riding the same fled
away leaving the motorcycle on the road and the police recovered
illicit liquor having total quantity of 73.620 litres from the said
three motorcycles.

Learned counsel appearing for the petitioner submits that
petitioner has falsely been implicated in this case merely on secret
information collected by the police and relying upon para 10 of this
application submits that all three recovered motorcycles by the
police do not belong to the petitioner. Learned counsel for the



petitioner further submits that nothing has been recovered from conscious possession of the petitioner.

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 got no criminal antecedent and no illicit liquor has been recovered from the conscious possession or the vehicle owned by the petitioner inasmuch as petitioner has stated in para 10 that all the three motorcycles which were seized by the police, none of them is owned by the petitioner, 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 Special Judge, Excise, West Champaran at Bettiah, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

