

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55429 of 2019

Arising Out of PS. Case No.-229 Year-2019 Thana- SAHPUR District- Patna

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Vicky Kumar Son of Mahadev Pandit R/o- Patlapur, P.S.- Shahpur, District-
Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 229 of 2019 (Special Case No. 5311 of 2019), registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police during patrolling got a secret information that some persons were selling illicit liquor near Patlapur Bagicha, upon seeing the police party, two persons fled away. On search, the police recovered a Honda Shine motorcycle and from the said motorcycle 30 liters of illicit liquor was recovered. The villagers assembled there disclosed the name of the petitioner and other persons involved in the offence.

Learned counsel for the petitioner submits that the



petitioner has got no criminal antecedent and has falsely been implicated in the present case, merely on the statement of the villagers assembled near the place of occurrence. Learned counsel for the petitioner referring to para 7 of this petition submits that the Honda Shine motorcycle which was seized by the police does not belong to the petitioner and no illicit liquor has been recovered from the conscious possession of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner, and the motorcycle does not belong to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Patna in connection with Shahpur P.S. Case No. 229 of 2019 (Special Case No. 5311 of 2019); subject to condition as laid down



hereinabove and under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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