

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58223 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- DALSINGHSARAI District- Samastipur

GAURAV KUMAR Son of Lalan Singh @ Lalan Kumar Singh Resident of
Village - Alampur Simari (Pokhar Ke Pass), Garhisaisai, Vidhaya Pati Nagar,
P.S.- Vidhyapati Nagar, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No.1

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-11-2019 The petitioner apprehends his arrest in connection with
Dalsingsarai P. S. Case No. 149 of 2019 registered under Sections
25(1-B)(a), 26 and 35 of the Arms Act and 30(a) of the Bihar
Prohibition and Excise Act.

Allegation against the petitioner is that while the police
party was on patrolling duty, they saw that one motorcycle was
coming from opposite direction whereon two persons were sitting
and upon seeing the police party, they tried to flee away, however,
one person was arrested, who disclosed his name as Vikash Kumar
and also disclosed the name of the person who succeeded in
fleeing away i.e., petitioner. The police recovered one bottle
containing 375 ml illicit liquor from the motorcycle along with
one country made pistol, two live cartridges and one mobile.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in this case



merely on the basis of statement made by the arrested co-accused. He further submits that no illicit liquor or any incriminating materials has been recovered from the conscious possession or the vehicle belonging to the petitioner. Learned counsel further referring to para 8 and 9 of the bail application, submits that petitioner is not the owner of the motorcycle.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 Additional Sessions Judge-II-Cum-Special Judge, Excise, Samastipur in connection with Dalgingsarai P.S.Case No. 149 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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