

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58752 of 2019

Arising Out of PS. Case No.-278 Year-2019 Thana- PATLIPUTRA District- Patna

KUSH KUMAR Son of Subhash Ray Resident of Village - Maner, P.S.-
Maner, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-09-2019 The petitioner apprehends his arrest in connection with Patliputra P.S.Case No. 278 of 2019 registered under Sections 30(a), 38(II) and 37(b)(c) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that the police party, during patrolling got secret information that near LCT Ghat 10-15 persons were drinking liquor, proceeded towards the place of occurrence and when the police party arrived near the place of occurrence, they saw that 10-15 persons, sitting on a *Thela*, were drinking liquor. It has further been alleged that upon seeing the police party, all persons over there started fleeing away and one person was arrested by the police who disclosed his name as Sudhir Kumar and a total quantity of 11 litres illicit country made Mahua liquor along



with 12-15 paper glasses were recovered by the police from the place of occurrence. The police also seized two motorcycles which were standing nearby and upon enquiry, nobody claimed those motorcycles.

Learned counsel for the petitioner submits that petitioner has committed no offence in the manner alleged and has got no criminal antecedent. Learned counsel further relying upon Annexure-3, submits that in fact he had gone to attend marriage ceremony in the nearby community hall and his motorcycle was standing near the *Thela* and when petitioner came out from the marriage ceremony, he did not find his motorcycle and it was told that the police has seized the motorcycle. Learned counsel further submits that illicit liquor has been recovered from *Thela* and no recovery has been made from the motorcycle of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that no recovery has been made from the motorcycle belonging to the petitioner, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, abovenamed, 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 Special Judge, Excise, Excise, Patna in connection with Patliputra P.S.Case No. 278 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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