

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57207 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- VISHNUPAD District- Gaya

RAJESH KUMAR Son of Bhim Saw Resident of Village- Nauranga, P.S.-
Gaya Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Vishnupad Police Station Case No. 220 of 2018, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, after getting a secret information that illicit liquor was being unloaded from a pick-up van near water tank, proceeded towards the place of occurrence and on seeing the police, the accused persons fled away. The police searched the pick-up van and recovered 1045 litres of illicit liquor, along with some food grains and the police also seized three motorcycles, including the Pulsar motorcycle of the



petitioner, having registration no. BR 02AG-5401.

Learned Counsel for the petitioner submits that the petitioner has no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner. He further submits that the petitioner has been made accused only on the basis that his motorcycle was found standing near the pick-up van from a public place.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner and the illicit liquor has been recovered from a pick-up van, which does not belong to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, Rajesh Kumar, 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 Special Judge, Excise, Gaya, in connection with Vishnupad Police Station Case No. 220 of



2018, 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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