

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57198 of 2019

Arising Out of PS. Case No.-388 Year-2019 Thana- BAGHA District- West Champaran

Subhash Jaiswal @ Subhash Prasad S/o Bishwanath Jaiswal R/o village-
Bhairoganj, P.S.- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

The petitioner apprehends his arrest in connection with Bagaha Bhairoganj P.S. Case No. 388 of 2019, registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition & Excise Act.

The allegation against the petitioner, as per FIR, is that the police recovered a total quantity of 4 liters of illicit liquor from the motorcycle parked near the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, merely on the basis of the fact that the illicit liquor has been recovered from motorcycle parked near the house of the petitioner.



Learned counsel for the petitioner replying upon paragraph 8 of this application submits that the petitioner is not an owner of the motorcycle from where the illicit liquor has been recovered.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner is not an owner of the motorcycle, as stated by him in para 8 of this application, 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, Bettiah, West Champaran in connection with Bagaha Bhairoganj P.S. Case No. 388 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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