

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58047 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- GAIGHAT District- Muzaffarpur

LAKHINDRA KUMAR Son of Ganga Mahto Resident of village- Hanuman
Nagar, Kanta Pirouchha, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gaighat Police Station Case No. 148 of 2019, disclosing offences under Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on the information by the villagers that in a magic vehicle, illicit liquor has been kept, reached the place of occurrence and recovered 14 litres of illicit foreign liquor and 35 litres of toddy beer from the said magic vehicle. It has further been alleged that one motorcycle, bearing registration BR 06AM-2301, was standing there and the petitioner was trying to start the same and when the villagers



tried to catch him, the petitioner fled away. The police also seized the said motorcycle.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case merely because he is the owner of the seized motorcycle and no illicit liquor has been recovered from the motorcycle. He further submits that the petitioner was just a passers by and when he was chased by the villagers, he left the motorcycle and fled away.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the motorcycle of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Lakhindra 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, Muzaffarpur, in connection with Gaighat Police Station Case No. 148 of 2019, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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