

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58323 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- BUXAR INDUSTRIAL District- Buxar

LUCKY KHAN @ TABRAJ KHAN @ SHAMS TERBEJ KHAN Son of
Shabban Khan @ Maksood Khan Resident of Village - Barki Sarimpur, P.S.-
Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Buxar (Industrial) Police Station Case No. 32 of 2019, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is that the police, on secret information, intercepted one auto, bearing registration no. UP 60T-6526 and recovered 43 litres of illicit liquor and also arrested two persons sitting on the said auto. The name of the petitioner has transpired on the basis of the disclosure made by the persons assembled at the place of occurrence.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of disclosure of his name by the on-lookers. He further submits that the petitioner is not the owner of the auto, in question, which he has stated in paragraph 7 of this application and has also annexed the ownership documents of the real owner, namely, Digvijay Singh (Annexure-2).

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

This application is, accordingly, allowed.

Let the petitioner, named above, 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 2nd Additional Sessions Judge -cum-Special Judge, Excise, Buxar, in connection with Buxar (Industrial) Police Station Case No. 32 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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