

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62057 of 2019**

Arising Out of PS. Case No.-180 Year-2019 Thana- RAFIGANJ District- Aurangabad

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Venktesh Kumar, aged about 30 years, Gender- Male, Son of Late Ram Tapeshwar Singh, Resident of Village-Babuganj, Police Station-Rafiganj, District-Aurangabad, registered owner of Glamour Motorcycle, bearing registration no. BR26Q5378, registered on 15.02.2019.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

2      18-10-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Rafiganj P.S. Case No.180 of 2019 registered under section 30(a) of Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police recovered a total quantity of 43.2 liters of illicit liquor from the motorcycle of the petitioner on which the alleged liquor was kept in plastic bag near the seat.

Learned counsel appearing for the petitioner submits that the fact of the matter is that the petitioner had gone for treatment of his nephew before Dr. Y.K. Sharma and his motorcycle was parked near the clinic of Dr. Y.K. Sharma at Charkava market for the whole night and illicit liquor was allegedly kept on the seat of that motorcycle which was standing



whole night near the clinic of aforesaid doctor. Learned counsel further submits that he was not having the knowledge about the said illicit liquor being kept on the seat of the motorcycle which was standing for the whole night. Learned counsel further submits that as such no illicit liquor has been recovered from the conscious possession of the petitioner.

Having regard to the submissions made by the parties and taking into consideration the fact that the justification given by the petitioner appears to be cogent and illicit liquor has not been recovered from the conscious possession of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Rafiganj P.S. Case No. 180 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Anil Kumar Sinha, J)**

Anjula/-

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