

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61076 of 2019

Arising Out of PS. Case No.-1172 Year-2018 Thana- DEHRI TOWN District- Rohtas

Sunil Kumar, aged about 24 years, Male, Son of Bimal Mahto, Resident of Village- Jamuhar, Police Station- Dehri (T), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Dehri (Town) P.S. Case No. 1172 of 2018 registered under sections 467, 468, 471, 420, 120(b) of the I.P.C and Sections 30(a), 38(i)(ii), 41(i)(ii), 31, 47 of Bihar Prohibition and Excise Amendment Act 2016.

The allegation against the petitioner is that the police intercepted one truck and one pick-up van and recovered a total quantity of 4752 liters and 216 liters of illicit liquor respectively from the truck and pick up van. It has further been alleged that motorcycle of the petitioner bearing No. BR 26L 8664 was found parked near the truck from where a huge quantity of liquor was recovered.



Mr. Siddharth Harsh, learned counsel appearing for the petitioner submits that the petitioner has unnecessarily been implicated in this case inasmuch as the motorcycle of the petitioner was parked on the road near the truck from where illicit liquor was recovered by the police. Learned counsel further submits that no liquor has been recovered from the motorcycle of the petitioner and the petitioner has been named in the first information report merely on the basis of the fact that he is the owner of the motorcycle. Learned counsel further submits that the petitioner has no concern with the truck and pick-up van as stated by him in para 6 of this application.

Having regard to the submission made by the parties and taking into consideration the fact that the motorcycle of the petitioner was found parked near the truck from where illicit liquor has been recovered and no illicit liquor has been recovered from the possession of the petitioner or the vehicle belonging to 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 2nd Additional District and Sessions



Judge- Cum Special Judge, Excise, Rohtas, Sasaram in connection with Dehri (Town) P.S. Case No. 1172 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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