

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61617 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- MORKAHI District- Khagaria

MD. SHAKIR SAHIB @ MD. SHAKIR SHAHAB Son of Md. Shahab
Uddin Resident of village- Marar Dakshini, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2019 The petitioner apprehends his arrest in connection with
Morkahi P.S.Case No. 39 of 2019 registered under Section 30(a)
of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that the
police intercepted two persons riding on a motorcycle and
arrested them and recovered 750 ml illicit liquor from the body
of one of Sushil Kumar Thakur, who was pillion rider.

Learned counsel for the petitioner submits that petitioner
has been made accused merely on the basis of the fact that he is
the owner of the motorcycle which was being driven by two
arrested accused persons. He submits that petitioner is owner of
the motorcycle but the same was being driven by his brother and
his friend.

Having regard to the submissions made by the parties and



taking into consideration the fact that no recovery has been made from the possession of the petitioner and justification given by the petitioner appears to be cogent as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 ADJ-II, Khagaria in connection with Morkahi P.S.Case No. 39 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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