

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61103 of 2019

Arising Out of PS. Case No.-444 Year-2019 Thana- DEHRI TOWN District- Rohtas

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Anup Kumar Mishra, aged about 30 years, Male, Son of Kameshwar Mishra,
Resident of Village-Khoril, P.S-Pannuganj, District-Sonbhadra, U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP.

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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 Nagar P.S. Case No. 444 of 2019 registered under section 30(a) of Bihar Prohibition and Excise Amendment Act 2018.

The allegation against the petitioner, as per the first information report, is that the police spotted a Scorpio vehicle near the railway station Dehri and upon search recovered a total quantity of 420 liters of illicit liquor from the Scorpio vehicle belonging to the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has been dragged in this case merely on the basis of the fact that he is the owner of the Scorpio vehicle from where the illicit liquor has been recovered. Learned counsel



further submits the fact that the vehicle of the petitioner is running on hire basis and the same was being driven by the driver who had taken the vehicle for carrying passenger. Learned counsel further submits that the petitioner had not given any consent or permission to the driver to indulge himself in illicit activity and trade of illicit liquor. Learned counsel further submits that the illicit liquor which has been recovered from his vehicle does not belong to him and the petitioner has got no knowledge about the conduct of his driver.

Having regard to the submission made by the parties and taking into consideration the fact that the vehicle of the petitioner was being driven by the driver and who had taken the vehicle in question for carrying passenger near the bus-stand and railway station, 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 Addl. District and Sessions Judge-IIInd Cum Spl. Judge, Excise, Rohtas, Sasaram



in connection with Dehri Nagar P.S. Case No. 444 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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