

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66828 of 2019

Arising Out of PS. Case No.-1078 Year-2018 Thana- AHYAPUR District- Muzaffarpur

Nand Kishore, aged about 55 years, gender-male, Son of Manje Ram Resident of Village-Deoli, P.S.-Deoli, South Delhi- 110062, Temporary address- Ward No.14, Adarsh Nagar Mohalla- Baragaw Road Khekhra, P.S.- Baghpat, District- Baghpat, Uttar Pradesh- 250611 and Owner of Bus No. UP-17AT-5345.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mahesh Prasad, Advocate
For the Opposite Party : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest for the offences alleged under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 registered in connection with Ahiyapur P.S. Case No. 1078 of 2018.

As per written report submitted by one Chandrika Das, Assistant Sub-Inspector of Police, Police Station Ahiyapur, the prosecution case is that on 04.10.2018 the informant during course patrolling with police force got information that illegal liquor was being unloaded in the cartoons of Durga Maruti motor spares parts at Bakhri Chowk from bus no. UP-17AT-5345 and three tempos and one motorcycle were standing to carry the same. On such information, the senior officers were informed and the police went



there and on seeing the police force, the drivers of tempo, motorcycle and bus including Khalasi and conductor succeeded to flee away. Four persons who were unloading the cartoons were arrested on the spot. The police party checked Durga Maruti Suzuki spare parts cartoons and recovered Royal Stag 375 ml. each containing 384 bottles and 180 ml. each containing 192 bottles; Royal challenge 750 ml. each containing 36 bottles, 375 ml. each containing 50 bottles and Blenders Pride 375 ml. each containing 63 bottles.

Learned counsel for the petitioner submits that there is no recovery of illegal foreign liquor from conscious possession of the petitioner. He further submits that the petitioner is said to be owner of the bus. He further submits that the petitioner has no criminal antecedents.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner, subject to deposit of Rs. 15,000/- (Rupees fifteen thousand) in the court below and on deposit of the aforesaid amount, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, the court below shall release him on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, (Excise), Muzuffarpur in connection with Ahiyapur P.S. Case No. 1078 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



Such deposit of Rs. 15,000/- shall abide by the outcome of
the criminal case.

(Anjani Kumar Sharan, J)

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