

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62825 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- BASOPATTI District- Madhubani

SHIV SHANKAR YADAV Son of Bhogendra Yadav Resident of Village-
Patauna, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Basopatti Police Station Case No. 89 of 2019, disclosing offence under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information, intercepted two motorcycles and upon seeing the police, one person, driving one of the motorcycles, fled away; whereas the rider of the another motorcycle was arrested and on search, the police recovered 72 litres of illicit liquor from each of the motorcycles. The petitioner is the owner of the



motorcycle having registration no. BR 32C-8762.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch the petitioner has got no criminal antecedent and the motorcycle, in question, was taken by his friend for his personal use, namely, Ajay Kumar Purvey, and without the knowledge and consent of the petitioner, he was carrying the illicit liquor on the said motorcycle.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and the justification given by the petitioner appears to be cogent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Shiv Shankar Yadav, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Basopatti Police Station Case No. 89 of 2019, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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