

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65117 of 2019

Arising Out of PS. Case No.-485 Year-2019 Thana- JAKKANPUR District- Patna

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Telu Kumar @ Banti aged about 20 years (M), Son of Sri Suresh Ray,
Resident of Village - B.K. Dutta Lane, New Jakkanpur, P.S.- Jakkanpur,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Special Excise Case No. 6993 of 2019 arising out of Jakkanpur P.S. Case No. 485 of 2019 registered under sections 272, 273, 414, 420, 120 (B) of Indian Penal Code and 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner, as per first information report, is that the police upon secret information that the petitioner along with other accused persons have brought the consignment of illicit liquor and kept it in a Swift Desuire car standing near the *khatal* of one Sanjay Rai proceeded towards the place of occurrence and inquired about



the car in question but nobody claimed the ownership of the car. The police however recovered a total quantity of 131 liters of illicit liquor from the car in question.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of secret information received by the police. Learned counsel further submits that from perusal of the first information report it would be evident that the petitioner and accused persons were having criminal cases upon them also and had gone to jail but the fact of the matter is that the petitioner was never involved in the criminal case and his criminal antecedent is clear as has been stated by the petitioner in paragraph 3 of this application. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or vehicle belonging to the petitioner and the petitioner has no criminal antecedent, 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 learned Special Judge Excise, Patna in connection with Special Excise Case No. 6993 of 2019 arising out of Jakkanpur P.S. Case No. 485 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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