

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65143 of 2019

Arising Out of PS. Case No.-201 Year-2019 Thana- NAWANAGAR District- Buxar

VIMLESH KUMAR S/o Siddhanth Singh Resident of Village-
Parmeshwarpur, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Keshav

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nawanagar Police Station Case No. 201 of 2019, disclosing offences under Sections 30(a)/41(1) 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 one Bajaj pulsar motorcycle, owned by the petitioner and upon seeing the police, the person riding on the said motorcycle, fled away. The police seized the motorcycle and recovered 32.20 litres of illicit liquor from the motorcycle. The petitioner has been made accused on the basis of the fact that he is the owner of the said motorcycle.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as though the petitioner is the owner of the said motorcycle, but the same was being driven by his brother, namely, Santosh Kumar Singh, which the petitioner has stated in paragraph 3 of the supplementary affidavit filed today.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the justification given by the petitioner appears to be cogent and no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, 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, Buxar, in connection with Nawanagar Police Station Case No. 201 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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