

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66872 of 2019

Arising Out of PS. Case No.-194 Year-2018 Thana- KAMTAUL District- Darbhanga

DEEPAK KUMAR Son of Late Kameshwar Singh Resident of Village-
Dhanaur Katara, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a), 38 and 47 of
the Bihar Prohibition and Excise, Act, 2016.

The prosecution case is to the effect that on the basis of
secret information that co-accused, Bipin Thakur, Bablu and two
others are trafficking illegal liquor, a raid was laid and a pick-up
van was intercepted. From the pick-up van, 446.190 litres of
Indian Made Foreign Liquor were recovered. During
investigation, it was found that the petitioner is the owner of the
seized pick-up van.

It is submitted by learned counsel for the petitioner that the



seized pickup van was being used for the purpose of transporting and the petitioner, being the owner of the pick-up van in question, was not aware about the transportation of illegal liquor. Moreover, similarly situated co-accused, Bablu has been granted anticipatory bail by the learned Court below itself vide order dated 19.12.2018, passed in A.B.P. No. 1413 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is the owner of the pick-up van from which the said recovery has been made.

Considering the fact that this is not the case of the prosecution that the petitioner was present in the pick-up van in question when the seizure was made nor he fled away from the place of seizure, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge



(Excise Act) Darbhanga, in connection with Kamtaul P.S. Case
No.194 of 2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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