

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76240 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- KALYANPUR District- East Champaran

Deepak Kumar Son of Manoj Rai @ Manoj Kumar Yadav Resident of Village
- Bakhari Tola Patpadiya, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kalyanpur P.S. Case No. 138 of 2019 registered for the offences under sections 272, 273/34 of the Indian Penal Code and section 30(a) of Bihar Prohibition & Excise Act.

As per allegation in the FIR, 66.3 litres of country liquor is said to have been recovered from the motorcycle, from which two persons including this petitioner managed to escape.

It is submitted by learned counsel for the petitioner that neither the alleged motorcycle nor the seized country liquor belongs to the petitioner, which has been categorically stated in paragraph 9 and 11 of the application. It is further submitted



that in view of this fact, the learned Court below committed an error in rejecting the application of the bail holding the same was barred under section 76(2) of the Bihar Prohibition & Excise Act. It is further submitted that the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. The petitioner, in the event of his arrest or surrender within six weeks, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran, in connection with Kalyanpur P.S. Case No. 138 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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