

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81514 of 2019

Arising Out of PS. Case No.-262 Year-2019 Thana- DULHIN BAZAR District- Patna

BRAJESH KUMAR Son of Rudal Ray Resident of Karvashin, P.S.- Sahar,
District- Bhojpur (Ara). Presently residing at Flat No. 102, Chandra Sarda
Apartment, Near Hospito India, Mohalla- Budha Colony, P.S.- Budha Colony,
Patna, District- Patna-800001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-12-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Dulhin Bazar P.S. Case No. 262 of 2019 for the offence registered
under Sections 353, 307, 427, 279 and 34 of the Indian Penal
Code, Sections 26, 27 and 35 of the Arms Act and Section 30(A)
of the Bihar Prohibition of Excise Act, 2018.

The allegation is regarding recovery of four litres of
illicit liquor, one country made pistol, five live cartridges and other
articles from a Swift Desire car which was apprehended by the
Police and the driver of the said car was arrested by the Police.
During the course of interrogation and investigation it has
transpired that the car belongs to the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner has got no complicity in the matter and in fact



in paragraph no. 9 of the present petition, it has been stated that the driver of the said car had disappeared with the said car and to that effect a Sanha was also lodged by the petitioner against the driver at Budha Colony Police Station vide S.D.P. No. 650 of 2019 dated 23.09.2019. It is further submitted that the driver is responsible for the alleged occurrence and the petitioner has got no role to play, hence admittedly the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. Lastly, it is submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Special Judge (Excise), Patna in connection with Dulhin Bazar P.S. Case No. 262 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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