

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78359 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- TARARI District- Bhojpur

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ROHIT KUMAR @ SONU KUMAR Son of Rajunandan Singh @ Buteshwar Singh Resident of Village - Dhamana, Police Station - Tarari in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 02-12-2019

Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant who is a police officer in his written report has alleged that on 18.07.2019 at about 1:30 in the night he received information on his mobile that two persons on a motorcycle without number plate are coming carrying one sack of illicit liquor and upon receiving said information as he reached the place of occurrence at 2:00 am in the night, he in the light of jeep saw one miscreant riding the motorcycle and the pillion rider was holding the sack and on seeing the police party they fled away after taking advantage of darkness. Local Chowkidar identified both persons in the light of jeep as Rohit



Kumar @ Sonu Kumar and Ritesh Kumar and thereafter motorcycle and illicit liquor was seized.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case at the instance of Chowkidar as he has complained about Chowkidar of being indulged in the trade of illicit liquor. Nothing has been recovered from the possession of petitioner and neither the petitioner was apprehended at the spot nor the motorcycle belongs to the petitioner as such no offence under Excise Act is made out. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above in the event of his/her arrest or surrender before the court below within a period of four weeks, be released on anticipatory bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Tarari P.S. Case No. 131 of 2019**, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(S. Kumar, J)

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