

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76009 of 2018

Arising Out of PS. Case No.-291 Year-2018 Thana- MIRGANJ District- Gopalganj

Upendra Kumar, Son of Audhesh Yadav @ Avadhesh Chaudhary, Resident of
Village- Harkhauli Mauja Ward No- 12, P.S. Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma

For the Opposite Party/s : Mr.Sri Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-03-2019 In compliance of the order dated 22.02.2019, Vijay
Kumar Singh, Inspector, Legal Cell is present.

It is submitted by Mr. Panchanand Pandit, learned
APP that the case diary has already been received and
explanation on affidavit has also been filed.

In the circumstances, personal appearance of Vijay
Kumar Singh, Inspector, Legal Cell is dispensed with.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of



Munna Kumar, A.S.I. of Mirganj Police Station dated 19.10.2018 submitted to the Station House Officer of Mirganj Police Station, is to the effect that on the same day during patrolling he received a secret informant that a person is carrying illicit liquor on a Scooty, whereupon the informant along with the other police personnel conducted a vehicle checking and on seeing the police party, one person managed to escape from the place, leaving behind the Scooty. From the Scooty in a bag, 23.550 litres of illicit country made liquor were recovered when the local persons suggested the name of the petitioner as driver of the Scooty, who fled away from the scene.

It is submitted by learned counsel for the petitioner that the Scooty is not registered in the name of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. Though, the petitioner is accused in another case of similar nature but he is on bail in that case.

Learned APP after going through the case diary submits that the Scooty is registered in the name of one Hemlata Srivastava, daughter of Alok Raj and the case diary has been recorded up to 30.12.2018 wherein no witness has suggested that the petitioner was driving the Scooty in question.

Considering the fact that the Scooty has been found



registered in the name of Hemlata Srivastava and no witness has come forward to suggest that the Scooty was being driven by the petitioner, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Gopalganj in connection with Mirganj P.S. Case No. 291 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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