

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84656 of 2019

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Manjesh Kumar Son of Umesh Prasad Singh Resident of Village -
Sakhmohan, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in a case registered for the offence under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the allegation in the FIR, the total quantity of 4,000 litres (approx) of IMFL is said to have been recovered from the road side and amongst the accused persons the petitioner herein and one Madhesh Singh were identified.

It is submitted by learned counsel for the petitioner that the petitioner has neither any knowledge nor any concern with the alleged liquor. It is further submitted that the co-accused Madhesh Singh has been enlarged on bail by order



dated 16.10.2019 passed in Cr. Misc. no. 74308 of 2019 and the seized vehicle does not belong to the petitioner who has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the alleged recovery was not from the possession of the petitioner but from the road side, the petitioner was not arrested at the spot, the vehicle also does not belong to the petitioner and he has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Bibhutipur P.S. Case no. 202 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Samastipur.

(Partha Sarthy, J)

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