

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1656 of 2020

Arising Out of PS. Case No.-491 Year-2019 Thana- HILSA District- Nalanda

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GOPAL KUMAR, Son of Sujay Singh @ Sujay Kumar, Resident of Village -
Amera, P.S.- Tharthari, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Krishna Kumar, Sub Inspector of Police, Hilsa is to the effect that on 27.09.2019 at 12.30 A.M., in the night, one Bolero vehicle was intercepted from which, 333 litres of Indian Made Foreign liquor were recovered, leading to registration of FIR against the driver and owner of the vehicle in question along with others.

It is submitted by learned counsel for the petitioner



that the petitioner was not apprehended from the spot nor anything has been recovered from his possession, but he has falsely been roped in the present case simply because he is the son of the owner of the vehicle in question. It is further submitted that the owner of the vehicle, Kaju Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.12.2019, passed in Criminal Miscellaneous No.77694 of 2019. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one other case in which he is on bail.

Learned APP for the State submits that the petitioner is also indulged in the business of illicit liquor.

Considering the fact that the petitioner was not apprehended from the spot, nor any recovery was made from the conscious physical possession of the petitioner and the vehicle in question is registered in the name of his mother, who has already been granted anticipatory bail by a Co-ordinate bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 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 the learned ADJ-III-cum-Special Judge (Excise), Nalanda at Bihar Sharif, in connection with Hilsa P.S. Case No.491 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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