

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2888 of 2020

Arising Out of PS. Case No.-19 Year-2019 Thana- CHORAUT District- Sitamarhi

Vishwanath Thakur Son of Hardev Thakur Resident of Village - Bhelhi, P.S. - Benipatti, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Choraut P.S. Case No. 19 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The police seized one motorcycle which was used in carrying illicit liquor. The police made the petitioner accused on the basis that aforesaid motorcycle belonged to petitioner. However, it is submitted on behalf of the petitioner that petitioner had already sold the aforesaid motorcycle to one Bechan Mahto much prior to alleged occurrence which is evident from perusal of Annexure-2 to the petition. He further



submits that so far as transfer of document of aforesaid motorcycle is concerned, he does not have any information as to whether the aforesaid motorcycle still stands on paper in the name of petitioner or not.

Moreover, considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent and furthermore, the alleged recovery has not been made from conscious possession of the petitioner, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail 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 IInd cum Special Judge, Excise Act, Sitamarhi in Choraut P.S. Case No. 19 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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