

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4392 of 2020

Arising Out of PS. Case No.-211 Year-2019 Thana- BELDOUR District- Khagaria

Kuraitan Kumar, Son of Baijnath Yadav, Resident of Village - Kamaljari, P.S.-
Patarghat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 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 Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Murari Kumar, Sub-Inspector of Police submitted to Station House Officer of Beldaur Police Station is to the effect that on 14.10.2019 at 10.00 A.M., the informant received information that liquor is being transported through an unregistered three wheeler, consequently Bajaj Maxima three wheeler was intercepted and from which, 3 sachets of 200 ml each country made liquor were recovered and nearby people suggested the



name of the petitioner, Kuraitan Kumar, the owner of the three wheeler, who was dealing with the illegal recovery.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and the three wheeler in question does not belong to the petitioner, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That it is also pertinent to mention here that from bare perusal of first information report itself appears that nothing has been recovered either from the conscious possession or house of the petitioner, rather the alleged recovery was recovered from the Bajaj Maxima tempo which is not belongs to the petitioner for which petitioner is no way responsible for the same.”

It is further submitted that the petitioner is not having any criminal antecedent, statement to that effect has been made in paragraph 3 of the petition.

Learned APP submits that the FIR suggests that the nearby people suggested the name of the petitioner as owner of the vehicle in question.

Considering the suspicious nature of accusation and



the statement that the petitioner is not the owner of the vehicle in question, coupled with the statement made in paragraph 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 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 (Excise), Khagaria in connection with Beldaur P.S. Case No. 211 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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