

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11287 of 2020

Arising Out of PS. Case No.-636 Year-2019 Thana- BAHADURPUR District- Darbhanga

SANTOSH KUMAR Son of Late Jawahar Jha Resident of Village/Mohallah-
Rampur Madan, P.S.- Bahadurpur, District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-06-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

This application for grant of anticipatory bail arises
out of Bahadurpur Police Station Case No. 636 of 2019,
disclosing offence under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police, on secret information that
the petitioner was going to deliver illicit liquor, intercepted the
motorcycle of the petitioner, but the petitioner fled away leaving
behind his motorcycle. Upon search, the police recovered 1.875
litres of illicit liquor from the dickey of the said motorcycle.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the motorcycle from which the illicit liquor has been recovered does not belong to him and statement to this effect has been made in paragraph 8 of this application. He further submits that no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner. He further submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner is not the owner of the motorcycle in question and the illicit liquor has not been recovered from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Darbhanga, in



connection with Bahadurpur Police Station Case No. 636 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

