

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9520 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- BASANTPUR District- Siwan

1. RAJESH KUMAR Son of Vishwanath Sah Resident of Village-Karhi Kala, P.S.-Basantpur, District-Siwan.
2. Sharawan Singh @ Sharwan Kumar Singh Son of Indrajit Singh Resident of Village-Berwa Khurd, P.S.-Basantpur, District-Siwan.
3. Abhimanu Sahni @ Abhimanu Kumar Son of Arjun Sahani R/o Berwa Khurd, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Basantpur Police Station Case No. 11 of 2020, disclosing offence under Sections 272/273/308/379/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The allegation against the petitioners, as per the First Information Report, is that the police, on the basis of secret information that a huge consignment of illicit liquor has been brought on a bolero pick-up van in the village Bansohi Dera,



proceeded towards the place of occurrence and upon seeing the police, 8-10 persons sitting on 2-3 motorcycles, who had surrounded the pick-up van, fled away from the place of occurrence and the police recovered 216 litres of illicit liquor from the said pick-up van and also arrested two persons who were sitting in the pick-up van, namely, Aditya Kumar and Mukesh Kumar Singh. The names of the petitioners have been disclosed by the arrested accused persons.

Learned Counsel for the petitioners submits that the petitioners have got no criminal antecedent and referring to paragraph 6 of this application, he further submits that the vehicle, in question, does not belong to the petitioners. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioners or the premises belonging to them.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized vehicle does not belong to the petitioners, the petitioners have got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioners or the premises belonging to them, I am inclined to grant the petitioners privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan, in connection with Basantpur Police Station Case No. 11 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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