

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11501 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

1. BIJAY KUMAR @ VIJAY KUMAR @ KANHAIYA Son of Ranjan Rai
Resident of Village- Sahpur, P.S.- Balia, District- Begusarai.
2. Anshul Kumar @ Aunshul Kumar Son of Mahesh Singh Resident of
Village- Jokiya, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Town P.S. Case No. 238 of 2019 for the offence under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

Allegation against the petitioners is that in the instant case 18 litres liquor was seized from a motorcycle.

Learned counsel for the petitioner submits that the petitioner no. 2 has no criminal antecedent. He is a college going student and has been roped in this case as his identity card and mobile were seized from the place where the liquor was kept. So far as petitioner no. 1 is concerned, there is one criminal antecedent against him.



Considering the fact that petitioner no. 2 has no criminal antecedent and nothing was recovered from his conscious possession, the Court is inclined to grant bail to him, in the event of arrest or surrender within four weeks from today, on furnishing bail bond of Rs.50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II Begusarai-cum-Special Judge (Excise), Begusarai in connection with Town P.S. Case No. 238 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event in future, if the petitioner no. 2 is found to be involved in any such activities, the Court below shall be at liberty to cancel his bail bonds.

So far as petitioner no. 1 is concerned, the Court is not inclined to grant bail and his prayer for anticipatory bail is rejected. However, rejection of the prayer will not cause prejudice, in the event petitioner no. 1 surrenders before the Court below and prays for regular bail, the Court below shall decide the application for regular bail on its own merit and dispose the same on the same day.

Rishi Kumar/-

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(Anil Kumar Upadhyay, J)

