

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18597 of 2020

Arising Out of PS. Case No.-383 Year-2019 Thana- BAKHTIYARPUR District- Patna

Raju Kumar Son of Shiv Shankar Mishra Resident of Village - Naya Tola
Dadaur, P.S.- Bakhtiyarpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-06-2020 Heard learned counsel for the petitioner and learned A.P.P
for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bakhtiyarpur P.S. Case no. 383 of 2019 registered under section 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on information having been received about two persons carrying liquor on a motorcycle, the motorcycle of the accused persons was singled to stop. It is stated that while one of the accused managed to escape, the driver of the vehicle was arrested and disclosed his name as Subodh Kumar. A total of 40 litres of country liquor was recovered from the motorcycle. The arrested accused disclosed the name of the person who had escaped as Raju Kumar the petitioner herein.



It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any recovery has taken place from his possession. The motorcycle which belongs to the petitioner had been given by him to Subodh Kumar who happens to be his co-villager. The petitioner has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that the petitioner was not arrested at the spot and has no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Bakhtiyarpur P.S. Case no. 383 of 2019, he will be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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