

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25054 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- TARARI District- Bhojpur

RABINDRA SINGH @ RABINDRA KUMAR SINGH S/o Late Kulbansh
Rai Resident of Village- Karath, P.S.- Tarari, Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application for grant of anticipatory bail arises
out of Tarari Police Station Case No. 98 of 2020, disclosing
offence under Section 30 (a) of the Bihar Prohibition and Excise
Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information
Report, is that in the night of 01.06.2020, the police intercepted
one Bolero vehicle, which was coming from village Karath and
upon seeing the police, the person driving the vehicle in
question fled away after leaving behind the vehicle and upon
search of the vehicle, the police recovered a total quantity of
8.640 litres of illicit liquor and on the basis of the fact that the



petitioner is the owner of the vehicle, he has been made accused in this case.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the vehicle was being driven by the driver of the petitioner and the petitioner, being the owner, was having no knowledge that the driver had kept illicit liquor in the said vehicle. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner. He, thus, submits that from perusal of the First Information Report, no prima facie case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the possession of the petitioner and further at the time of recovery of illicit liquor, the vehicle of the petitioner was being driven by his driver, 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.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur, at Ara, in connection with Tarari Police Station Case No. 98 of 2020, 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/-

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