

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24461 of 2020

Arising Out of PS. Case No.-174 Year-2020 Thana- SHEKHPURA District- Sheikhpura

RAJESH KUMAR Son of Rajo Manjhi Resident of Village- Jamalpur Bigha,
Ward No.1, Police Station and District- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2

For the Opposite Party/s : Mr. A. L. Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

The petitioner apprehends his arrest in connection with Sheikhpura Police Station Case No. 174 of 2020, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and 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 intercepted a motorcycle, on which two persons were riding and upon seeing the police party, one of the persons succeeded in fleeing away and the police arrested co-accused, namely, Kishore Kumar, and he disclosed the name of the petitioner, who managed to escape.



The police recovered 09 litres of illicit country-made liquor from the motorcycle.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the statement made by the arrested co-accused. He further submits that from perusal of the First Information Report, it would be evident that the petitioner is not the owner of the motorcycle and no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out under the provisions of the Excise Act against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is not the owner of the motorcycle in question and no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, upon



furnishing bail bond 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, Sheikhpura, in connection with Sheikhpura Police Station Case No. 174 of 2020.

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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