

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28966 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- NIRMALI District- Supaul

RAVINDRA SAH Son of Rameshwar Sah Resident of Village- Murli, ward
No.03, P.S.- Kishanpur, District- Supaul, State- Bihar 852105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

For the Opposite Party/s : Mr. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 At the very outset, learned Counsel for the petitioner informs that there is a typographical error in the first paragraph of this application inasmuch as ‘Pipra Police Station Case No. 33 of 2020’ has been mentioned in place of ‘Nirmali Police Station Case No. 33 of 2020.

Considering the above, let the word ‘Pipra’ appearing in the first paragraph of this application be read as ‘Nirmali’.

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 Nirmali Police Station Case No. 33 of 2020, disclosing offences 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 the police, in course of patrolling at N.H. 57, tried to stop one Bolero vehicle, but the driver fled away and on chase the vehicle was intercepted but all the five persons, including the driver, sitting inside the Bolero vehicle managed to escape, and the Village Chowkidar identified three persons in the light of the Bolero vehicle, and upon search of the Bolero vehicle, the police recovered a total quantity of 537.84 litres of illicit liquor from the said vehicle. The petitioner is not named in the First Information Report and his name transpired on the basis of the fact that he is the owner of the Bolero vehicle, in question.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and from perusal of the First Information Report, it would be evident that the Village Chowkidar identified three persons out of five, who fled away from the Bolero vehicle in question and the petitioner was not there and in course of investigation, he has been implicated in this case on the basis of the fact that he happens to be the owner of the Bolero vehicle, in question. He further submits that the vehicle in question is a commercial vehicle and was plied by its driver on hire basis and the petitioner was not aware about the illicit liquor being carried in the vehicle in



question by the driver. He further submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record, 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Supaul, in connection with Nirmali Police Station Case No. 33 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/-

U	√	T	√
---	---	---	---

