

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29490 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- MANIYARI District- Muzaffarpur

SUNIL KUMAR S/o- Bhajan Mahto R/o- Mai Asthan, Satpura Milki Tola,
P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2020 Heard Mr. Amit Kumar Jha, learned counsel for the

petitioner and Mr. Amit Kumar Rakesh, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner apprehends arrest in connection with

Maniyari P.S. Case No. 42 of 2020 registered for the offences

punishable under Sections 272, 273, 290/34 of the Indian Penal

Code, Sections 30(a), 34, 36, 38 and 40 of Bihar Prohibition &

Excise Act.

The allegation as per the First Information Report is

that the Police intercepted a red colour Auto and upon seeing the

Police Party, the driver of the said Auto fled away. On search, a

total quantity of 2.62 litres of illicit foreign liquor was recovered

from the said Auto.



Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of fact that he happens to be the owner of the Auto. Learned counsel further submits that the Auto in question is a commercial vehicle and was being plied on hire basis by the driver, and the petitioner being the owner of the Auto, was not aware about the fact that the illicit liquor was being kept in the said Auto by the driver. Learned counsel also submits that the petitioner has got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Maniyari P.S. Case No. 42 of 2020, subject to the condition as 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)

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