

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75029 of 2019

Arising Out of PS. Case No.-341 Year-2018 Thana- UCHKAGAON District- Gopalganj

RAJ KUMAR @ RAJ KUMAR SINGH Son of Ramadhar Singh Resident of Village - Narkatiya P.S.- Uchakagaon, Distt.- Gopalganj, at Present Address Resident of Village - Rajendra Nagar Ward No.22, P.S.- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Dubey Ms. Alka
For the State	:	Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2020 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Uchkagaon P.S. Case No. 341 of 2018 for the offence registered under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1728 litres of illicit liquor from a pick up van after the same was intercepted by the police and search was made. It is further alleged that the driver of the vehicle as also the owner of the vehicle had fled away in the meantime taking advantage of darkness.

The learned counsel for the petitioner has submitted



that at best the petitioner can be stated to be the driver of the vehicle and the fact is that the owner of the vehicle has already been granted bail vide order dated 15.02.2019 passed in Criminal Misc. No. 18471 of 2019. Lastly, it is submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, this Court is of the prima facie view that a bare reading of the FIR would show that neither any recovery has been made from the petitioner as far as the illicit liquor is concerned nor the petitioner has been apprehended from the spot, hence no case is made out for the offences punishable under the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, hence this Court deems it fit and proper to direct for grant of anticipatory bail to the petitioner herein.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Session Judge-II-cum-Special
Judge, Excise, Gopalganj in connection with Uchkagaon P.S.
Case No. 341 of 2018 subject to the conditions as stipulated
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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