

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86150 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- BITHAN BAZAR District- Samastipur

Navin Kumar, Son of Arun Kumar Mahto @ Arun Mahto, Resident of Village
- Telani, P.S.- Bithan, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bithan P.S. Case No.45 of 2019, registered, for the offence
punishable under Sections 30(a) and 32(3) of Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner as per first
information report is that police intercepted one motorcycle on
which two persons were riding. It has further been alleged that
upon seeing the police party, two persons riding on the
motorcycle fled away leaving the motorcycle on the road and
the police recovered a total quantity of 5 litres 250 ML of illicit
foreign liquor from the said motorcycle along with two mobile



phones and owner book of the motorcycle in the name of one Pankaj Kumar.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of the fact that his mobile was allegedly been found by the police in the dickey of the motorcycle whereas from perusal of the first information report, it would be evident that mobile of the petitioner had already been lost. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or from the vehicle belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to him, I am inclined to grant anticipatory bail to the the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



ADJ-II-cum-Special Judge, Excise Act, Samastipur, in connection with Bithan P.S. Case No.45 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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