

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78087 of 2019

Arising Out of PS. Case No.-374 Year-2019 Thana- PUPRI District- Sitamarhi

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Suman Kumar, S/o Kari Sah, Resident of Village- Hardiya Ward No.-2, P.S.-
Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, the petitioner who was riding a motorcycle on being confronted by the police, abandoned the motorcycle and managed to escape. It is stated that 750 ml of IMFL was recovered from the said motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent, there is no recovery as alleged and petitioner has been falsely implicated by some persons who had hung the liquor in the handle of the



motorcycle.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances including the fact that the petitioner was not caught at the place of occurrence, the recovery of the liquor from the motorcycle was from the place not under the lock and key and that the petitioner has no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Pupri P.S. Case no. 374 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

Bibhash/Ankit

(Partha Sarthy, J)

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