

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83850 of 2019**

Arising Out of PS. Case No.-357 Year-2018 Thana- DARIYAPUR District- Saran

NARENDRA KUMAR Son of Om Prakash Resident of Mohalla - House no.
- 1849, Sector - 9, P.S.- Sector - 7, District - Faridabad (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Opposite Party/s : Mr.Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 06-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dariyapur P.S. Case No. 357 of 2018 registered for the offence punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having intercepted a red colour DCM vehicle whereupon five persons sitting inside the vehicle were arrested and a total quantity of 2557 liters of illicit liquor is said to have been recovered from the said vehicle. The name of the petitioner is stated to have transpired during the course of the investigation of the case and it appears that the Investigating Officer, Dariyapur Police Station had filed a petition dated 21.8.2019 before the learned Additional District



and Sessions Judge VI, Chapra at Saran for issuance of warrant of arrest against the non-FIR named accused persons namely, Balraj Goel and the petitioner herein.

The learned counsel for the petitioner has submitted that a bare perusal of the FIR would show that no allegation has been levelled, as far as the petitioner is concerned, regarding the illicit liquor belonging to the petitioner herein. It is further submitted that the truck in question also does not belong to the petitioner and in fact, the co-accused person, namely, Balraj Goel, who is stated to be the owner of the vehicle inasmuch as he is also the Managing Director of the transport company in question, has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 25.11.2019 passed in Criminal Miscellaneous No. 69643 of 2019. Lastly, it is submitted that the petitioner is a licensed vendor of liquor in the State of Harayana and has got nothing to do with the alleged occurrence. The learned counsel for the petitioner has further submitted that the petitioner is having deep roots in the society and is a respected person in the State of Harayana, hence is not likely to flee from the investigation, if any, and the ensuing trial.

Having considered the facts and circumstances of the



case and considering the fact that neither the petitioner is an FIR named accused person nor any allegation has been levelled against the petitioner in the FIR of either being the owner of the vehicle or being connected in any manner with the illicit liquor seized by the police, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Saran in connection with Dariyapur P.S. Case No. 357 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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