

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86329 of 2019

Arising Out of PS. Case No.-673 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

=====

RAJ KUMAR Son of Rajeshwar Ray Resident of Village - Dhanupra, P.S. -
Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kanti Police Station Case No. 673 of 2019, disclosing offence under Sections 30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the police intercepted one Tata Sumo vehicle, going towards Muzaffarpur and recovered 179.280 litres of illicit liquor from the said vehicle.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case inasmuch as prior to the seizure of the illicit liquor from the vehicle in question, the said vehicle was stolen by unknown thieves and the First Information Report, bearing Saraiya (Jaitpur O.P.) Police Station Case No. 590 of 2019 was lodged by the petitioner stating therein that the vehicle of the petitioner was stolen on 04.09.2019. The vehicle in question was intercepted by the police in the mid night of 5/6-9-2019 at about 1 AM and the First Information Report was registered at about 04:30 AM on 06.09.2019. He further submits that the petitioner has got no criminal antecedent. He further submits that the illicit liquor was recovered by the police without the knowledge of the petitioner and that too when the vehicle in question was not in the custody of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that seized vehicle was stolen on 04.09.20149 and the illicit liquor has been recovered at about 1 AM on 06.09.2019 and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Raj Kumar, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Kanti Police Station Case No. 673 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

