

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87407 of 2019

Arising Out of PS. Case No.-265 Year-2019 Thana- RAJAOLI District- Nawada

UPENDRA KUMAR @ UPENDRA MISTRI Son of Basudeo Mistri @ Beso
Mistri Resident of Village- Hardia Sector- A, P.S.- Rajaouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 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 Rajaouli PS case no. 265 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 400 liters of spirit from a vehicle and the petitioner is alleged to be the driver of the said vehicle.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is having a clean antecedent. It is further submitted by referring to paragraph no. 8 of the present petition that the vehicle does not belong to the petitioner herein, hence since no recovery of illicit liquor has been made from the conscious possession of the petitioner,



the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District Judge II-cum-Special Judge, Nawada in connection with Rajaouli PS case no. 265 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

