

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19461 of 2021

Arising Out of PS. Case No.-540 Year-2020 Thana- RAJAOLI District- Nawada

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Saurav Kumar @ Chhotu Kumar Son Of Sibu Sao R/O Village- Bahadurpur,
P.S.- Rajouli, Dist.- Nawada Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.A.PP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Rajouli P.S. Case no. 540 of 2020 instituted for the offence
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution story relates to recovery of 63.375
liters of IMFL from a Centro car bearing Registration No.
JH01J-7077 and two persons were apprehended, who disclosed
the name of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. The name of the



petitioner has been disclosed in this case by co-accused, namely, Md. Irfan and Pintu Kumar, who were arrested on spot, which has no evidentiary value in the eye of law. He is not the registered owner of the vehicle in question. No incriminating article has been recovered from the conscious possession of the petitioner.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Rajouli P.S. Case no. 540 of 2020, he will 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 learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Nawada subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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