

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31591 of 2020

Arising Out of PS. Case No.-1192 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Birendra Kumar S/o Ramdeo Sah Resident of Mohalla-Ward No.01, Alinagar,
P.S.-L.N.M.U., District-Darbhangha.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Das, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has filed the instant application for grant of anticipatory bail in connection with Prosecution Report Case no. 19 of 2020 (G.O. Case no. 1192 of 2019) registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 432 litres of illicit liquor was recovered from Mahindra Xylo vehicle.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. It is further submitted that although the petitioner was a registered owner of the said vehicle, however he had sold the same prior to



the alleged date of occurrence and in support of the same he has brought on record by way of annexure the documents/affidavit with respect to the sale. However, it is submitted that unfortunately since the process of transfer of registration was still incomplete he has been falsely implicated in the case. The petitioner has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

A report with respect to antecedent of the petitioner was called for and the same has been received. As per the report received from the Senior Superintendent of Police, Darbhanga, the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner together with the petitioner not having any criminal antecedent, this Court is inclined to enlarge the petitioner on anticipatory 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 Prosecution Report Case no. 19 of 2020 (G.O. Case no. 1192 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Darbhanga, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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