

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32138 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- JOKIHAT District- Araria

ANIL BISHWAS, son of Kripanand Bishwas, Resident of Village -
Mahalgaon, Ward No. 05, P.S. - Mahalgaon, District – Araria
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party : M/s Manoj Kumar Pandey & Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-03-2021

As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its note, dated 27.11.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Special Case No. 508 of 2020 arising out of Jokihat (Kahalgaon) P.S. Case No. 201 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

In course of patrolling duty, two persons were seen on motorcycle at Mahalgaon, then, signal was given to stop the motorcycle, but, motorcycle rider started to accelerate the speed. Any how, on chase, motorcycle was apprehended with a person, who was driving the motorcycle, but, other person, of rear seat, succeeded to flee away. On query, the person, who was driving the motorcycle, disclosed his name Vikas Kumar Yadav and also disclosed the name of Anil Bishwas (petitioner), who succeeded to flee away. On search



of motorcycle, nine liters country made liquor recovered.

Submission is that petitioner was not apprehended on spot nor the seized motorcycle is belonging to the petitioner. The name of the petitioner has come in the confessional statement of co-accused, who is said to be apprehended by the police with the motorcycle from which the country made liquor is said to be recovered.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Special Case No. 508 of 2020 arising out of Jokihat (Kahalgao) P.S. Case No. 201 of 2020 shall be released 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 Additional Sessions Judge II-cum-Special Judge, Araria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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