

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32 of 2021

Arising Out of PS. Case No.-379 Year-2019 Thana- BARAULI District- Gopalganj

Abhishek Mani Shukla Son of Bidhan Chandra Shukla Resdient of Village-
Tiwari Chakiya,P.S.- Bhorey, Distt- Gopalganj Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-10-2021 Heard Shri Prince Kumar Mishra, learned counsel for
the petitioner and Shri Dashrath Mehta, learned A.P.P. for the
State.

The petitioner is seeking anticipatory bail in connection
with Barauli P.S. Case No. 379 of 2019 dated 01.11.2019 instituted
for the offences under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent. It is further submitted
that from bare perusal of the F.I.R. it would manifest that the
petitioner is not named in the F.I.R. and the motorcycle from
which the liquor was recovered was stolen in the year 2017 itself.

Learned counsel for the petitioner submits that he has
made a specific statement in paragraph '7' of the anticipatory bail
application that on 07.12.2019, Barauli Police informed the



petitioner that a Hero Super Splendour motorcycle bearing Chassis No. MBLJA05EME9D12294, Engine No. JA05ECE9D12335 has been recovered in Barauli P.S. Case No. 379 of 2019 under the Excise Act whereupon the petitioner went to the police station and identified his motorcycle and filed an application before the Special Judge seeking release for the same.

Considering the facts of the case that nothing was recovered from the conscious possession of the petitioner and the motorcycle from which liquor was recovered was stolen in the year 2019 and had been identified by the petitioner as stated in paragraph '7', let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Barauli P.S. Case No. 379 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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