

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12504 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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ROHIT KUMAR S/o Dilip Prasad Singh Resident of Village- Manjhaul-1
Tilak Nagar, P.S.- Cheriya Bariyarpur (Manjahul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vimkram Deo Singh, Adv.
For the State : Mr. Akshay Lal Pandit, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 11-01-2022 Heard the parties through video conferencing.

The petitioner apprehends his arrest in connection with Cheriya Bariyarpur P.S. Case No. 236 of 2020 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner was not in possession of the liquor. He was driving the Motorcycle, while the liquor has been recovered from the Truck. Merely, because of his motorcycle was standing near the truck, it cannot be said that the petitioner is involved in the trafficking of illicit liquor.

Learned A.P.P. opposes the bail application and submits that the motorcycle and the truck were found at the

same place and therefore, it cannot be presumed that the petitioner was also involved in the case of illicit liquor trafficking.

I have considered the submissions, perused the case diary, the owner of the motorcycle is being sought to be arrested on the ground that his motorcycle was standing next to the concerned truck from which the illicit liquor has been recovered and thus, it is presumed that he was also involved in the illegal trafficking of liquor.

However, from the facts as noted above, a case under Section 30 (a) is not found to be prima facie made out against the petitioner. Therefore, the petitioner is entitled for grant of anticipatory bail, I am inclined to grant benefit of anticipatory bail to the above named petitioner and in the event of arrest he shall be released on bail, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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