

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43119 of 2021**

Arising Out of PS. Case No.-65 Year-2021 Thana- JAYNAGAR District- Madhubani

PAWAN RAI SON OF LATE LAXMAN RAI R/O VILLAGE- JANKI
NAGAR, P.S.- BASOPATTI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.

Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, Adv.

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

ORAL ORDER

3 10-02-2022 Heard the parties through video conferencing.

The petitioner apprehends his arrest in connection with Jainagar P.S. Case No. 65 of 2021 registered for the offence under Sections 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner has been sought to be arrested merely on suspicion that he was driving the motorcycle ahead a vehicle bearing Bolero Maxi Truck No. BR32J-7173 from which the liquor was seized.

Learned counsel for the petitioner further submits that the petitioner cannot be said to be any manner connected with the said liquor and case under Section 30 (a) of the Bihar



Prohibition and Excise Act therefore, would not be made out as against the petitioner. The petitioner deserves to be anticipatory bail.

I have considered the submissions, in this case F.I.R. has been lodged by the concerned Police Officials stating that information was found that there has been two persons who were standing near the vehicle from which the liquor was seized. The Police Officials have seized the vehicle and liquor was recovered from the said vehicle and stated that the two persons have fled away. It appears that neither about the motorcycle has been mentioned in the F.I.R. nor any specific identification and name of the petitioner has been mentioned.

Keeping in view, the Court is satisfied that prima facie no case under Section 30 (a) is said to be brought against the petitioner, 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)

pravinkumar/-

U		T	
---	--	---	--

