

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53313 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- GUTHANI District- Siwan

Kamlesh Prajapati Son Of Chandrika Prajapati R/O Village- Alawalpur, P.O.
And P.S. - Deoria, District- Deoria (U.P.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 414/34 of the Indian Penal Code, Sections 11(a)(D)(E)(F) of the Animals Cruelty Act and Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that while he was on patrolling duty, he got secret information about a vehicle carrying liquor and when the informant reached the place of occurrence, he saw a Bolero and a pick-up van from which the accused persons on seeing the police started fleeing, but some were caught. It is next submitted that the driver of the pick-up van and Bolero fled away, but their



names were disclosed by the apprehended accused persons in presence of the witnesses. Further on search, it was found that in Bolero, the calf was tied with a rope and six bottles of liquor was recovered from the said vehicle and from the pick-up van, 07 bottles of 200 ml each liquor along with four cows were recovered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He was not apprehended from the place of occurrence, as such, no liquor was recovered from his conscious possession. It is next submitted that petitioner being the owner of the vehicle has been implicated in the present case. It is next submitted that being owner, he was completely unaware that the driver was misusing the vehicle for such illegal purpose.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Court below where the case is pending in connection with Guthani P. S. Case No.152 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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