

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52822 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- VISHNUPAD District- Gaya

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Jitu Kumar Son Of Suresh Prasad R/O Mohalla- Bhadeja, P.S.- Muffasil,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 10 litres of Country made Liquor from a motorcycle. The petitioner is owner of the alleged motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is also submitted that petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner.



The name of the petitioner has come only because he is the registered owner of the said vehicle. It is also mentioned in para 9 of the petition that the FIR was lodged on 01.03.2021, after 1 year of selling the vehicle and on the basis of registered owner, the name of petitioner sprang up in this case. Sale agreement is annexed as Annexure 2 of the petition. Petitioner has no concern either with the seized illicit vehicle or the vehicle in question. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

The petitioner is directed to deposit a sum of Rs. 5,000/-(Rupees Five Thousands) in the District Legal Services Authority, Gaya.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Gaya in connection with Vishnupad P.S. Case No. 41 of 2021,



subject to the conditions as laid down under Section 438(2)
of the Cr.P.C.

The bail bond of the petitioner shall be accepted
by the learned Court below on showing receipt of deposit of
Rs. 5,000/-(Rupees Five Thousands) in District Legal
Services Authority, Gaya.

(Sunil Kumar Panwar, J)

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