

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53367 of 2022

Arising Out of PS. Case No.-889 Year-2021 Thana- DANAPUR District- Patna

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Sharwan Kumar @ Sharvan Kumar Son Of Narendra Rai R/O Village-
Zamira Mathiya, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1
For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Danapur P.S. Case no. 889 of 2021 instituted for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

Prosecution case relates to recovery of total 75 liters
Country made liquor from a motorcycle bearing Registration
No. BR01FC-7629.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner is the
registered owner of the motorcycle in question but he has no



concern with the alleged recovery of illicit liquor or with the place of occurrence. It is further submitted vide para 6 of the petition that he sold the said motorcycle to one Rocky Kumar on 25.22.2021 which is also annexed as Annexure 2. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

The petitioner is directed to deposit a sum of Rs 10,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Danapur P.S. Case no. 889 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Judge, Danapur, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.



The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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