

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20771 of 2023

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

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RAJNISH KUMAR Son of Pinku Kumar Resident of Village - Manjhaul,
Ward No.- 7, P.S.- Cheriabariyarpur (Manjhaul O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-06-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Cheriya Bariyarpur (Manjhaul O.P.) Police Station Case No. 236 of 2020, dated 21.11.2020, disclosing offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, while on patrolling, saw a truck and a motorcycle near a bridge and on seeing the police party, all the persons present there succeeded in fleeing away. The police seized the truck and the motorcycle and recovered 1689.705 litres of illicit liquor from the truck.



Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case inasmuch as the petitioner is not named in the First Information Report and he has been implicated in this case merely on the basis of phone calls. He further submits that the petitioner is neither the owner nor the driver of the truck/motorcycle, in question, and no illicit liquor has been recovered from the possession of the petitioner.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that seized truck/motorcycle does not belong to the petitioner, he is not named in the First Information Report and no illicit liquor has been recovered from the possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Rajnish Kumar, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Begusarai, in connection with Cheriya Bariyarpur (Manjhaul O.P.) Police Station Case No. 236 of



2020, subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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