

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31413 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- GANGABRIDGE District- Vaishali

VINAY KUMAR @ VINAY SAHNI S/o- AKLU SAHNI Village- Rohua
Virnarayan Ps- Mushari Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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 Ganga Bridge Police Station Case No. 80 of 2022 dated 08.04.2022, disclosing offences under Sections 467/468/471/420/120-B/34 of the Indian Penal Code and Sections 30(A)/36/41(1) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution story, as per the First Information Report, is that the police intercepted a truck, bearing Reg. No. UP78CT5775, and upon search recovered a total quantity of 4696.245 liters of foreign liquor, kept in 526 cartoons. The driver of the said truck was arrested and he disclosed that phone calls from two phone numbers were received by him for



delivery of the consignment of liquor.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedents and he has been made accused on the basis of two phone numbers disclosed by the driver, out of which one belongs to the petitioner. He next submits that no material has come to connect the petitioner with the present offence inasmuch as the CDR of the petitioner's phone does not show that the petitioner had ever called the driver of the truck and the truck does not belong to the petitioner.

Regards being had to the submission made on behalf of the learned counsel for the parties and taking into consideration the fact that the petitioner is not the owner of the truck and he has been made accused on the basis of disclosure of his phone number by the truck driver, having no criminal antecedents, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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-cum-
Additional District and Sessions Judge, Vaishali at Hajipur, in
connection with Ganga Bridge Police Station Case No. 80 of
2022, subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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