

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36136 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- SALAIYA District- Aurangabad

1. VIKASH KUMAR Son of Barat Bhuiyan Resident of Village - Sondaha, P.S.- Banke Bazaar, District - Gaya (Bihar)
2. Jitendra Kumar @ Jitendra Yadav Son of Ramlagan Yadav Resident of Village - Sondaha, P.S.- Banke Bazaar, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-06-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Salaiya Police Station Case No. 109 of 2022, dated 22.10.2022, 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, on the basis of secret information, intercepted three motorcycles, and recovered 20 litres of country-made liquor from each motorcycles, kept in a bag, and also arrested eight persons.

Learned Counsel for the petitioners submits that



the petitioners have not committed any offence in the manner alleged and they have been implicated in this case merely because they were the owners of two of the three motorcycles seized with illicit liquor. He further submits that the petitioners have got no criminal antecedent and their motorcycles were borrowed by the brother and friend. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that the petitioners were not arrested at the spot along with the eight accused persons and no illicit liquor has been recovered from their conscious possession, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their 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, Aurangabad, in connection with Salaiya Police Station Case No. 109 of 2022, 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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