

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45887 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- AMBA District- Aurangabad

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SHASHANK SHEKHAR SON OF YAMUNA PRASAD SINGH RESIDENT
OF VILLAGE- PATARA, P.S. PADWA, DISTRICT- PALAMU
(JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Kant Mishra

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Amba Police Station Case No. 142 of 2023, dated 17.06.2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, while patrolling, intercepted a motorcycle, bearing registration no. JH 03Z-5223 and upon seeing the police, two persons, riding on the motorcycle, tried to flee away, but they were apprehended by the police and upon search of the motorcycle, the police recovered 750 ML of illicit liquor from a plastic



bag hanging in the motorcycle. The petitioner has been made accused in this case merely on the basis of his being the owner of the seized motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and one of the arrested co-accused person is the nephew of the petitioner, who had gone to market on the motorcycle, owned by the petitioner, along with his friend, to purchase some medicines. He further submits that the petitioner has got no criminal antecedent.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner has been made accused merely on the basis of his being the owner of the seized motorcycle, which was borrowed by his nephew for the purpose of purchasing some medicines and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. 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 Special Judge, Excise Court No. 1, Aurangabad, in connection with Amba Police Station Case No. 142 of 2023, 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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