

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49466 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- BHAGWAN BAZAR District- Saran

AWADHESH TIWARI Son of Late Diwakar Tiwari Resident of Village-
Ojhawalia, Police Station-Uchkagaon, District-Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-08-2023 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 Bhagwan Bazar Police Station Case No. 69 of 2023, dated 23.02.2023, disclosing offences 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, on the basis of secret information, intercepted one black-coloured Hero Splendor motorcycle and upon seeing the police, the person riding on the motorcycle, fled away. Upon search, the police recovered 55 litres of illicit country-made liquor, kept in plastic sacks. Upon query from the local people, they disclosed the name of the person, who fled away, as Abhishek Rai.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused in this case on the basis of the fact that the motorcycle, in question, belongs to him. He further submits that the said motorcycle was stolen on 22.09.2022 and information in this regard had been given to Gopalganj Police Station on 22.09.2022 itself (Annexure 2) and the occurrence has been reported in a newspaper also (Annexure 3).
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit country-made liquor has not been recovered from the conscious possession of the petitioner, the petitioner had already reported about the theft of his motorcycle to the Gopalganj Police Station on 22.09.2022, whereas the present occurrence has taken place on 23.02.2023 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 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 2nd Additional Sessions Judge -cum- 1st Exclusive Special Judge, Excise, Saran, at Chapra, in connection with Bhagwan Bazar Police Station Case No. 69 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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