

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49439 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- MIRGANJ District- Gopalganj

BULLET PRASAD SON OF SUBHASH SAH R/O-BHADA KHURD, P.S.-
SIWAN MUFFASIL, DISTT.-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2023 Heard Mr. Javed Aslam, learned counsel for the

petitioner and Mr. Shakir Ahmad, learned Additional Public

Prosecutor appearing for the State.

2. Petitioner apprehends arrest in connection with

Mirganj P.S. Case No. 441 of 2022 registered for the offence

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

3. As per the First Information report, on 30.12.2022

in the afternoon on seeing the Police party four accused persons

started fleeing away after throwing a gunny bag from the

Motorcycle. However, the Police chased them and two persons

were apprehended by the Police while other two have managed

to flee away and after interrogation, the apprehended two

accused have disclosed their name as Guddu Kumar Yadav and



Shailesh Singh. They also disclosed the name of the persons who succeeded in fleeing away as Pankaj Yadav and Mantu Yadav. During course of search, a total quantity of 185.600 litres of illicit liquor from a gunny bag and 40 litres of illicit liquor from the Motorcycle have been recovered. The Motorcycle belongs to the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in this case merely because he happens to be the owner of the Motorcycle which was not seized at the place of occurrence with the petitioner. He further submits that the Motorcycle was borrowed by another person for the purpose of some work and the petitioner was not aware that the illicit liquor was being carried or transported from the said Motorcycle. The petitioner has got no criminal antecedent.

5. Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the Motorcycle in question was borrowed by other person and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.I V-cum-Spl. Judge Excise Court No. II, Gopalganj, in connection with Mirganj P.S. Case No. 441 of 2022 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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