

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65619 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- JAIPUR District- Banka

PINTU KUMAR SON OF LATE GURUDEV MANDAL R/O VILL.-
BELATIKAR, P.S.- BANKA, DISTT.- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-04-2023 No one appears on call although Mr. Jitendra Kumar Singh, learned APP for the State is present.

The petitioner apprehends his arrest in connection with Jaipur P.S. Case No. 12 of 2022 for the offence registered under sections 30 (a)/32(2) of the Bihar Prohibition Excise Act lodged on 20.03.2022 by the informant Murlidhar Shah.

The case of the prosecution in short is that on 20.03.2022 at about 10:30 AM, the informant along with other police officials were on routine patrolling and in that process, they received secret information and to verify the same, when they reached Kunikhar ghat (Chandan river) saw that one person on a motorcycle having two sacks tied on it was coming there and on the sight of the police party, he tried to escape leaving the motorcycle. The police chased him, but the accused



managed to escape from there. Thereafter, on search of the motorcycle bearing registration number JH17H 3674, two sacks were recovered in which altogether 49.485 litres of illicit foreign made liquor was recovered. It is further stated that present petitioner Pintu Kumar is registered owner of the seized motorcycle.

As per the seizure list, the recovery/seizure is of 49.485 litres of illicit foreign made liquor from bike. Further, as per the petition, it has been stated that the bike of the petitioner was stolen on 02.03.2022 and he had also gone to the concerned police station for lodging of the complaint but the policemen assured of registering the case. However, they did not registered any FIR and later, he came to know that the said stolen bike has been used for carrying liquor and in that way, has been implicated in this case.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that nothing has been recovered from his conscious possession, the petitioner do not have criminal antecedent and it is his case that the bike was stolen which was used for carrying the liquor, this Court is inclined to extend him the privilege of anticipatory bail with conditions.



Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.D.J.-II, Banka in connection with Jaipur P.S. Case No. 12 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:

(i) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(ii) he shall not indulge in any criminal activity and in case is found to have been implicated in any further criminal case, the Police shall take steps for the cancellation of his bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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