

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64913 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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BIRU KUMAR @ GOLU KUMAR SRIVASTAVA Son of Rakesh Kumar
Srivastava Resident of Village-Bhojpurwa, P.S.-Manjhagarh, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-10-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Gopalganj Town PS case no. 104 of 2023,
disclosing offences punishable under Sections 48, 52 of Bihar
Prohibition and Excise Act.
3. The prosecution case in nutshell is that one white
coloured Scorpio car was intercepted by the police and two
persons were arrested from there namely Bholu Singh and
Narayan Soni and police recovered mobile phone and a sum of
Rs. 3 lacs from their possession. Upon inquiry, the arrested
co-accused persons stated that they used to carry and transport
illicit liquor from the car, which is owned by the petitioner Biru



Kumar. About recovery of money, they told the police party that money was paid by Laddu Yadav *in lieu of* delivery of liquor by them. It has further been alleged that strong smell was coming out from the said Scorpio vehicle.

4. Learned Counsel for the petitioner submits that no illicit liquor was recovered from the vehicle in question, as would be evident from the FIR as well as seizure list. He further submits that the petitioner has been made accused on the basis of fact that he happens to be the owner of the Scorpio vehicle in question. It is next submitted that petitioner is plying the vehicle on hire basis and same was given on rent to the co-accused person by the petitioner. Lastly, it is submitted that petitioner was not aware about the business of the arrested accused persons.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that no illicit liquor has been recovered from the vehicle in question and merely on the basis of smell coming out of the vehicle, the present FIR has been lodged against the petitioner, being the owner of the vehicle, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.



7. Let petitioner, abovenamed, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Court-I, Gopalganj in connection with Gopalganj Town PS case no. 104 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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