

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68433 of 2023

Arising Out of PS. Case No.-610 Year-2022 Thana- TAJPUR District- Samastipur

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GIRDHARI KUMAR S/O SHIV BALAK RAI @ SHIV BALAK BHAGAT
R/O VILLAGE- AADHARPUR, P.S- KARPOORIGRAM, DISTT.-
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Aprajita, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-11-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Tajpur PS case no. 610 of 2022, disclosing offences
punishable under Section 420 and other allied sections of the
Indian Penal Code and Section 30(a) and other allied sections of
Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information
Report, is that the police party got an information that a
consignment of illicit liquor has been brought in a truck which
was standing near the High School, Songar. On such
information, police party proceeded towards the place of
occurrence and saw that a container truck was standing there



and upon seeing police party, two persons sitting in the cabin of container, started fleeing away, however two accused persons were apprehended, who disclosed their names as Kishore Singh and Mukesh Kumar and they also disclosed the name of the petitioner along with 10 other accused persons and told that the liquor was supplied by them. As per seizure list, 501.84 liters of illicit liquor was recovered.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of disclosure made by the arrested co-accused persons. It is further submitted that petitioner was neither the owner of the truck nor the container and he was not having any criminal antecedent prior to lodging of the present F.I.R., however after this case, another F.I.R. has been lodged against the petitioner bearing Karpoorigram PS case no. 25 of 2023.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is neither the owner of the truck nor the driver of the truck nor of the container, petitioner's name has been disclosed by the arrested co-accused persons and prior to lodging of the present F.I.R., petitioner was not made accused in any other case, 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 Special Judge, Excise-02, Samastipur in connection with Tajpur PS case no. 610 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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