

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68973 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- KALUAHI District- Madhubani

LOCHAN PASWAN Son of Jitu Paswan VILLAGE HARIPUR DIH TOL
WARD NO 10 PS KALUAHI DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-11-2023 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 Kaluahi Police Station Case No. 155 of 2023 (G.R. No. 1163 of 2023), dated 26.07.2023, disclosing offences under Sections 272/273 of the Indian Penal Code and 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.
3. The prosecution case, as per the First Information Report, is that on 26.07.2023, the police, during the course of duty, saw that one person, who was driving the motorcycle, upon seeing the police party left the motorcycle and fled away. Upon search, 45 liters of country made Nepali illicit liquor has been recovered from said motorcycle.



4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused merely because he happens to be the owner of the motorcycle. He next submits that the motorcycle, in question, was borrowed by a co-villager for his personal use and the petitioner was not having any knowledge regarding illicit liquor being carried by him on the motorcycle.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the submissions advanced by learned counsel for the petitioner that the motorcycle, in question, was borrowed by a co-villager and the petitioner is having 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 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 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani, in



connection with Kaluahi Police Station Case No. 155 of 2023 (G.R. No. 1163 of 22023), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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