

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71277 of 2023

Arising Out of PS. Case No.-346 Year-2023 Thana- NAVINAGAR District- Aurangabad

KUNDAN S/O VIRENDRA SINGH R/O VILLAGE- KHIRODIH,
ZORAWARPUR, P.S. KARAKAT, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-11-2023 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 Nabinagar Police Station Case No. 346 of 2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

3. As per the First Information Report, 5.720 liters of illicit liquor was recovered from one Lalbabu Chaudhary who was driving the motorcycle owned by the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of his being the owner of the motorcycle. He next submits that, co-accused, Lalbabu Chaudhary had borrowed the motorcycle from the petitioner for some personal call and the petitioner was not



aware about the illicit liquor being carried by him. The petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that 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, Kundan, 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 Court No. 1, Aurangabad, in connection with Nabinagar Police Station Case No. 346 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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