

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34318 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- SHERGHATI District- Gaya

Rohit Kumar Son of Ravindra Kumar Resident of Village - Budh Bagathgali,
Bus Stand, Delha, P.S. - Delha, Distt. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-05-2024 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 Sherghati Police Station Case No. 186 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that the police intercepted the motorcycle and arrested one Sudhanshu Kumar and recovered 6.625 litre of illicit liquor from the bag kept on the motorcycle. The petitioner who is owner of the motorcycle succeeded in fleeing away.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the ground that he happens to be owner of the motorcycle. The fact of the matter is that the petitioner was not aware about the illicit



liquor being carried by his friend, namely, Sudhanshu Kumar, who had borrowed the motorcycle for some urgent purpose. The petitioner has no criminal antecedent.

5. On the other hand, learned counsel for the State argued that the petitioner was driving the motorcycle, from where the illicit liquor has been recovered.

6. Regards being had to the submissions made by the parties and taking into consideration the justification of the petitioner that his friend, who had borrowed the motorcycle, was arrested along with illicit liquor, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. 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 Special Excise Court-V, Gaya, in connection with Sherghati Police Station Case No. 186 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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