

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34312 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- SAKRA District- Muzaffarpur

Rakesh Kumar SON OF RAMLAL CHAURASIYA R/O village- Begam Sarai, Ward No 01, P.S.- Bachhawara, District Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh

For the Opposite Party/s : Mr. Suman Kumari Singh

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 Sakra Police Station Case No. 168 of 2023, 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 on 04.04.2023 the police, on secret information, intercepted a pick-up van, bearing registration no. BR 09 GB 8186, near Pipri Chowk at NH-28 and recovered 19 bottles equivalent to 7.125 litres of illicit liquor from the same. At the time of recovery, the driver and owner of the vehicle, in question, fled away and nobody was arrested.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he happens to be the owner of the vehicle. The commercial vehicle was purchased by the petitioner in the year 2022 for the purpose of plying the same on hire basis. The petitioner was not aware about the illicit liquor being carried by the driver of the vehicle. He next submits that the allegation in First Information Report is that the petitioner fled away from the place of occurrence is unfounded and without any materials. The petitioner is having no criminal antecedent.

5. Regards being had to the submissions made by the parties and taking into consideration the justification given by the petitioner that commercial vehicle was purchased for the purpose of plying it on hire basis, 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 Court of Exclusive Special Court Excise-I, Muzaffarpur, in connection with Sakra Police



Station Case No. 168 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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