

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43832 of 2024

Arising Out of PS. Case No.-259 Year-2024 Thana- BASANTPUR District- Siwan

SONU KUMAR S/O BRIJ KISHORE PRASAD R/O VILL - SHAHAR
KOLA MATHIYA TOLA, P.S. - BASANTPUR, DIST - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a), 33, 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 275 litres country made liquor has been recovered from a bolero car which was parked inside the boundary of house of this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that no incriminating article has been recovered from the conscious possession of this petitioner. Petitioner is neither owner nor driver of the vehicle in question and he has been made an accused in this case merely because the vehicle was parked inside boundary of house of this petitioner, which is accessible to one and all. Petitioner claims



clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, fact that petitioner is neither owner nor driver of the vehicle in question and clean antecedents, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged 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 Exclusive Special Judge, Excise Court No.-I, Siwan, in connection with Basantpur P.S. Case No. 259 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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