

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54467 of 2024

Arising Out of PS. Case No.-51 Year-2021 Thana- NAUTAN District- Siwan

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Dipak Singh @ Deepak Singh Son of Rama Shankar Singh R/V - MISHRULI
BANWA TOLA, P.S. - BANKATA, DIST - DEORIA (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 31-08-2024 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 Nautan Police Station Case No. 51 of 2021, disclosing offences under Sections 30(a) and 44(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, on 17.03.2021, the police intercepted the motorcycle and upon seeing the police party, the accused persons, riding on the motorcycle, started fleeing away, however, one person was apprehended by the police along with the motorcycle and another person succeeded in fleeing away. The arrested co-accused disclosed the name of the petitioner who succeeded in fleeing away. Upon search, police recovered 19.650 liters of illicit liquor from the said motorcycle.

4. Learned Counsel for the petitioner submits that petitioner is having no criminal antecedent and has falsely been



implicated in this case on the basis of disclosure of his name by the arrested co-accused. The motorcycle in question from which illicit liquor was recovered does not belong to the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not the owner of the motorcycle and 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 Special Judge (Excise), Court No. 2, Siwan, in connection with Nautan Police Station Case No. 51 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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