

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62305 of 2024

Arising Out of PS. Case No.-92 Year-2019 Thana- CHANDI District- Nalanda

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Dharmendra @ Dharamvir Kumar Son of Muni Saw R/o Village- Salempur,
P.S.- Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad

For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-09-2024 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 Chandi Police Station Case No. 92 of 2019, dated 20.03.2019, disclosing offences punishable under Sections 420/120-B of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police on the basis of information that about 12-15 persons have stored illicit liquor near village Paharpura, reached near the place of occurrence and saw one pick-up van bearing registration no. BR 21D/6727 and one Chevrolet Spark car, bearing No. BR 01BL/5518 were standing and on seeing the police, the persons



started fleeing away, but the police apprehended the driver of the pick-up van and all other persons succeeded in fleeing away. Upon search, police recovered a total quantity of 15.12 litres of illicit liquor from the said vehicles. The arrested driver of the pick-up van disclosed the name of the petitioner and others.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the driver of the pick up van who was arrested by the police. He further submits that the petitioner is neither the owner nor the driver of the pick-up van or Chevrolet car. He further submits that the petitioner has got no criminal antecedent and similarly situated co-accused person, namely, Shashi Anand @ Munna Yadav, has been granted anticipatory bail by this Court, vide order, dated 11.09.2019, passed in Criminal Misc. No. 57246 of 2019.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the name of the petitioner has surfaced in this case on the basis of disclosure of his name by the arrested co-accused person, the petitioner is neither the owner nor the driver



of the pick-up van or Chevrolet car, he has got no criminal antecedent and similarly situated co-accused has been granted anticipatory bail by this Court, 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 a period of four weeks from today, 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 5th Additional Sessions Judge -cum- Special Judge (Excise), Nalanda, at Biharsharif, in connection with Chandi Police Station Case No. 92 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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