

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78152 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Vivek Kumar Son of Ramsudhar Chaurasiya Resident of Village -Bishanpur,
PS- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2024 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 Cheriya Bariyarpur Police Station Case No. 166 of 2024, disclosing offence under Sections 30(a), 32(1), 32(2), 36, 41(2)(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that the police got information that from pick-up van bearing Reg. No. BR09GC 3813, foreign liquor is going towards Manjhaul. The police intercepted the vehicle, but, the driver of the van fled away. On search, 535.290 litres of illegal foreign liquor was recovered from the said pick-up van. Petitioner is owner of the van.



4. Learned Counsel for the petitioner submits that he has been made accused merely because he happens to be the owner of the pick-up van. He further submits that the van is a commercial vehicle and it was being plied on hire basis. He next submits that at the time of occurrence the same was being driven by the driver and the petitioner being owner of the vehicle was not aware about the illicit liquor being carried by the driver in the van. He also submits that petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that pick-up van is a commercial vehicle and the petitioner is the owner of the same and was not aware about the illicit liquor being carried by the driver in the van and the petitioner 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 Exclusive Special Excise



Judge-I, Begusarai, in connection with Cheriya Bariyarpur Police Station Case No. 166 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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