

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74654 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- GARDANIBAG District- Patna

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Anil Kumar @ Anil Prasad S/O Mannu Ray R/O Village- Dariyapur Tola, P.S-
Naubatpur, District- Patna. (Owner of Tempo Bearing Registration No. BR-01
PL/6172).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 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 Gardanibag Police Station Case No. 277 of 2024,
disclosing offences under Sections 30(a)/36 of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, on 02.06.2024, at
about 11:00 pm in the night, informant received secret
information that some persons are coming with illicit liquor on a
CNG Tempo towards phulwari. On such information, police
party reached near Sinchae Bhavan and saw three persons
riding on the Tempo, bearing Reg. No. BR-01PL/6172. On
seeing the police party, all the persons tried to flee away but



with the help of Constables, all the three persons were apprehended. On search of the intercepted CNG Tempo, total quantity of 28.53 liters of illicit foreign liquor was seized.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case by the police. Petitioner is implicated in this case because the seized Tempo is registered in his name. He next submits that the son of the petitioner namely Golu Kumar used to drive the Tempo for livelihood and he was arrested by the police along with traders of liquor from the spot. He next submits that the driver of the Tempo namely Golu Kumar had no knowledge that the co-accused persons who hired the Tempo were carrying illicit liquor with them.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner has been made accused on the basis of his being the registered owner of the Tempo which is being plied by his son 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 Special Judge Excise Act-1st, Patna, in connection with Gardanibag Police Station Case No. 277 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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