

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78015 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Tilakeshwar District- Darbhanga

Prakash Poddar @ Prakesh Poddar Son of Madan Poddar Resident of Village
- Parihara, P.S. - Prihara, Disrict - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-11-2024 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 Tilakeshwar Police Station Case No. 35 of 2024, dated 06.07.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that illicit liquor is being transported on Piaggio Tempo, reached at the place of occurrence and intercepted the said tempo, bearing registration no. BR09-PA-2724. However, the driver of the tempo succeeded in fleeing away. Upon search, the police recovered total 87 liters of country made illicit liquor from the tempo.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only because he happens to be the registered owner of the said tempo. He next submits that the tempo, from where illicit liquor has been recovered, is being plied by the driver on hire basis, who succeeded in fleeing away from the place of occurrence. Petitioner was not having knowledge about the illicit liquor being kept therein. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the registered owner of the tempo, which was being plied by the driver at the time of occurrence, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga, in connection with



Tilkeshwar Police Station Case No. 35 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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