

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78450 of 2024

Arising Out of PS. Case No.-417 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Vikash Kumar S/O Hakim Mahto R/O Village- Karinga Musehari, P.S.-
Chapra Muffasil, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-12-2024 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 Bhagwan Bazar Police Station Case No. 417 of 2023, dated 19.10.2023, disclosing offence under 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 secret information that a person is coming on a motorcycle having illicit liquor, intercepted one motorcycle, but the person, riding the motorcycle, on seeing the police, fled away, leaving behind the motorcycle. The police seized the motorcycle and recovered 50 litres of illicit country-made liquor from a red-coloured sack kept in the motorcycle.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the motorcycle, in question. He further submits that one of the friends of the petitioner, namely, co-accused Govind Kumar, had taken the motorcycle of the petitioner for going to his village and the petitioner had no knowledge that illicit liquor was being transported on his motorcycle.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and the local persons disclosed the name of co-accused Govind Kumar as the person who fled away leaving behind the motorcycle, 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 Court No. I, Saran, at Chapra, in connection with Bhagwan Bazar Police Station Case No. 417 of 2023, 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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