

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81682 of 2024

Arising Out of PS. Case No.-50 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Nand Lal Chauhan, Son of Fagu Chauhan, R/O-Village- Dakhin Tola Siwan,
P.S- Siwan Town, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-12-2024 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 Siwan Muffasil Police Station Case No. 50 of 2022, dated 27.01.2022, 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 two persons are coming on a motorcycle having illicit liquor, intercepted one motorcycle, but the persons, on the motorcycle, on seeing the police, tried to flee away, leaving behind the motorcycle, but the police arrested one person, while the another succeeded in fleeing away. The arrested co-accused person disclosed the name of the



person who succeeded in fleeing away as Umesh Yadav.

On search, the police recovered 07 litres of illicit country-made liquor from the possession of the arrested co-accused person.

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. Referring to paragraph 8 of this application, learned Counsel submits that the petitioner had sold the motorcycle in question to one Harendra Rai in the year 2015.
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 he had sold the motorcycle in question in the year 2015, 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. II, Siwan, in connection with Siwan Muffasil
Police Station Case No. 50 of 2022, 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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