

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84519 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- KHUTAUNA District- Madhubani

Roshan Kumar Choudhary S/o- Surendra Chaudhary Village- Arer, sinuara,
P.S.- Benipatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-12-2024 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 Khutauna Police Station Case No. 137 of 2023, disclosing offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on 06.11.2023, the police intercepted one bolero pick-up van while the driver of the bolero fled away, after seeing the police. The police recovered 1530 litres of Nepali Sofi wine from the said vehicle.

4. Learned counsel for the petitioner submits that the petitioner has been made accused mainly because he happens to be the owner of the vehicle. The vehicle in question is a commercial vehicle and the petitioner is plying it on hire basis.



The petitioner was not aware that the driver of the vehicle was transporting illicit liquor. The petitioner is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and considering the nature of allegation, the fact that the vehicle in question is a commercial vehicle 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 Special Judge, Excise, Jhanjharpur, in connection with Khutauna Police Station Case No. 137 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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