

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.209 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- GORAUL District- Vaishali

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SUNIL KUMAR S/O DHANRAJ DAS R/O WARD NO.-3, KURHANNI
TOLA, P.S- KUDHANI, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 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 Goraul Police Station Case No. 381 of 2023, dated 10.09.2023, disclosing offence under Sections 30(a)/32(i)/36(i)/41 (i) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution, as per the First Information Report, is that the police, on secret information that some persons were unloading illicit liquor from a truck, reached at the place of occurrence and upon seeing the police, the persons present there started fleeing away and they managed to fled away taking advantage of darkness. One Scorpio vehicle was standing there in which one person was sitting at the driver seat. The police searched the



Scorpio vehicle and recovered 162 litres of illicit liquor from the said Scorpio vehicle.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis that he is the registered owner of the Scorpio vehicle. He further submits that the petitioner has got no criminal antecedent and nothing has been recovered from the conscious possession of the petitioner. He further submits that the said Scorpio vehicle is plied by the driver on hire basis and the petitioner has got no knowledge about the illicit liquor being kept in the said Scorpio vehicle.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner is the owner of the Scorpio vehicle, which is being plied by the driver on hire basis, no incriminating material has been recovered from the conscious possession and/or premises belonging to the petitioner and the petitioner has got 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 from today, 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 Judge, Court No. I, Vaishali, at Hajipur, in connection with Goraul Police Station Case No. 381 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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