

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.180 of 2024

Arising Out of PS. Case No.-277 Year-2022 Thana- PATNA CITY CHOWK District- Patna

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ROHIT KUMAR SON OF LALAN KUMAR RESIDENT OF VILL-BAJRA,
PS-HISUA, NAWADAH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 224-01-2024
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 Chowk Police Station Case No. 277 of 2022, dated 27.06.2022, disclosing offence under Section 414 of the Indian Penal Code and 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, while on patrolling, saw two persons on two motorcycles, coming very fast and on seeing the police, both the persons left their motorcycles and tried to flee away, but one of them was arrested by the police, while the other succeeded in fleeing away. The arrested person disclosed his name as Pintu Kumar, but he could



not disclose the name of another person. The police seized the motorcycles and recovered 30 litres of illicit country-made liquor from each motorcycles.

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 implicated in this case only on the basis of the fact that he is the registered owner of one of the motorcycles. He further submits that the First Information Report has been lodged on 27.06.2022 and his motorcycle was stolen on 16.06.2022 itself and he had given information to the police regarding the theft of his motorcycle on 16.06.2022, itself.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that no incriminating material has been recovered from the conscious possession of the petitioner and the motorcycle of the petitioner was stolen, for which the petitioner had given information to the police, and further 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 Special Judge, Excise, Patna City, in connection with Chowk Police Station Case No. 277 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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