

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81970 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- SAHAJITPUR District- Saran

1.

Bhulan Raut S/o Late Suraj Raut Resident of Village- Pipra Bintoliya, P.S- Sahajitpur, District- Saran, Chapra
2.

Rajesh Kumar S/o Baijnath Mahto R/o vill- Sisai, P.S. - Shahjitpur, Distt.- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3

19-04-2025

1.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.

Learned counsel for the petitioners submits that during pendency of this application, the petitioner no. 1 was arrested. Accordingly, he seeks permission to withdraw this application with respect to the petitioner no. 1.

3.

Permission is granted.

4.

This application, with respect to the petitioner no. 1, is dismissed as withdrawn.

5.

Insofar as petitioner no. 2 is concerned, this application, for grant of anticipatory bail, arises out of Sahajitpur Police Station Case No. 99 of 2024, dated 13.08.2024,



disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

6. The prosecution case, as per the First Information Report, is that the police, on secret information that Bhulan Raut was selling illicit liquor from his motorcycle, reached at the place of occurrence and intercepted one motorcycle, bearing registration no. BR04-AA-8647. One person started fleeing away after seeing the police party and succeeded in it and Mahal Chowkidar disclosed the name of the person as Bhulan Raut i.e. petitioner no. 1. Upon search, the police recovered total 5.900 liters of country made illicit liquor from the motorcycle.
7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has falsely been implicated in the present case only because he happens to be the registered owner of the said motorcycle. He next submits that the motorcycle, from where illicit liquor has been recovered, was borrowed by his friend, namely, Sanjay Rai for personal work, and the petitioner had no knowledge about illicit liquor being kept therein. The petitioner has got no criminal antecedent.
8. Having regard to the submissions made on behalf of the



parties and taking into consideration the fact that the petitioner no. 2 happens to be the registered owner of the motorcycle, which was borrowed by his friend Sanjay Rai for personal work, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

9. This application is, accordingly, allowed.
10. Let the petitioner no. 2, namely, Rajesh Kumar, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Saran at Chapra, in connection with Sahajitpur Police Station Case No. 99 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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