

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85506 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- ARER District- Madhubani

Ramesh Kumar Singh S/o- Late Ram Sarovar Singh Village- Makhani Ps-
Sadar Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-01-2025 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 Arer Police Station Case No. 96 of 2024, dated 25.07.2024, disclosing offence under Sections 274/275 of the Bhartiya Nyaya Sanhita, 2023 and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 25.07.2024, in course of vehicle check, the police intercepted one auto and upon seeing the police, the driver of the auto fled away leaving the temp at the place of occurrence and after search, the police recovered 360 litres of illicit Nepali liquor from the said auto.
4. Learned Counsel for the petitioner submits that the



petitioner has been made accused merely because he happens to be the registered owner of the auto, in question. The fact of the matter is that the auto, in question, was given on lease to one Mithilesh Mahto on monthly rental of Rs. 6,000/- per month, for which an agreement was executed between the petitioner and said Mithilesh Mahto on 05.03.2024. At the time of occurrence, the auto, in question, was in possession of said Mithilesh Mahto and this fact has come during investigation also. The petitioner was not aware that illicit liquor was being carried by Mithilesh Mahto, who was handed over the auto for plying on rent. The petitioner has got no criminal antecedent of similar nature of offence.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the auto, in question, was given to one Mithilesh Mahto on rent for plying and the petitioner is not having any criminal antecedent of similar nature of offence, 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 a period of 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 2nd Additional Sessions Judge II -cum- Special Judge, Excise, Madhubani, in connection with Arer Police Station Case No. 96 of 2024, 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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