

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86279 of 2024

Arising Out of PS. Case No.-617 Year-2024 Thana- FATEHPUR District- Gaya

Bipin Kumar Son of Birendra Prasad Resident of Village- Garai Bigha, PS-
Neemchak Bathani, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-01-2025 1. Heard learned Counsel for the petitioner and learned
APP for the State.

2. This application, for grant of anticipatory bail, arises
out of Fatehpur P.S. Case No. 617 of 2024, disclosing offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per the First Information Report, on 29.9.2024 at
about 10:00 P.M., the informant along with other police
personnel was on patrolling duty and in the meantime, they saw
that five motorcycles were coming from the side of Sikri on
which the five persons were riding and on seeing the police party
the persons fled away. On being searched the bags which were
kept on the said motorcycles, the police recovered 200 liters of
illicit country made liquor from each motorcycles i.e. total 1000
litres, one person was arrested from the spot and the petitioner



has been made accused on the basis of being an owner of one of the motorcycles in question.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent. The petitioner has been made accused only because his motorcycle was found on the place of occurrence. Learned counsel next submits that his motorcycle bearing registration number BR-02E-8661 was stolen by some unknown criminals just a day before the date of occurrence and when the petitioner went to lodge an F.I.R. the police did not register the F.I.R. and on the date of occurrence the motorcycle which was said to be the petitioner's motorcycle having different registration number bearing JH02B0-4700 who was found at the place of occurrence. It is further submitted that the petitioner's motorcycles was stolen by some unknown criminals who changed the registration number of the motorcycle and used it for carrying illicit liquors.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner having no criminal antecedent and at the time of seizure of motorcycle the registration number was found changed, I am inclined to grant the privilege of anticipatory bail



to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, Bipin 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-IV, Gaya, in connection with Fatehpur P.S. Case No. 617 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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