

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.89881 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- AMBA District- Aurangabad

Lakshman Prasad S/O Late Banarasi R/O - ward no. 09, Alinagar
Mughalchak, P.S. Alinagar, Dist- Chandauli (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 28-01-2025 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 Amba Police Station Case No. 183 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. As per the prosecution case, the police on the basis of secret information, intercepted a tempo having engine no. A8F1209817 and one person riding the tempo fled away. 120 liters of country made mahua has been recovered from the said tempo. The police came to know the registration number of the tempo as UP67AT2737.
4. Learned Counsel for the petitioner submits that the



petitioner has been made accused on the basis of the fact that he is the registered owner of the tempo whereas the tempo was stolen from Alinagar, Janpad-Chandauli, U.P., on 12.05.2024 i.e., prior to the date of occurrence which would be evident from Annexure 2. The E-FIR of the petitioner was rejected on the ground that full details of occurrence including time, date, place of occurrence has not been mentioned in the online FIR dated 24.05.2024. The occurrence has taken place on 20.08.2024 i.e., much after the date of theft of the tempo in question. At the time when the tempo was intercepted, the registration number was not found on the tempo which the police came to know subsequently after recovery of the number plate under the seat of the driver. The petitioner is having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the justification given by the petitioner that tempo in question was stolen for which the petitioner attempted to lodge an E-FIR and the petitioner is having 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, 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 Court No. 1, Aurangabad (Bihar), in connection with Amba Police Station Case No. 183 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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