

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90220 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- DHANKUND District- Banka

Arpan Kumar Son of Kapileshwar Chaudhary Resident of village - Shiv
Nandanpur, Police Station - Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-01-2025 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 Dhankund Police Station Case No. 103 of 2024, dated 15.10.2024, disclosing offence punishable under 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, on secret information that one pickup van, carrying huge quantity of illicit liquor under the stack of bitter gourd, is going towards Samastipur, started vehicle check at Babura Nahar and at 01:10 AM, saw a pickup van coming from Sanhauli, signalled the pick-up van to stop, but the driver tried to flee away, but seeing the police chasing, the driver of the pick-up van stopped



the van near Smile School and fled away along with the keys of the van. On search, the police recovered 414.72 litres of illicit foreign liquor kept under the bitter gourd in the van, in question.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of the fact that he happens to be the owner of the pick-up van, in question, which is a commercial vehicle and was being plied on hire basis. The petitioner was not aware that the driver, who was carrying bitter gourd in the pick-up van from Banka to Samastipur, has kept illicit liquor inside the vehicle. He further submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has been made accused on the basis of him being owner of the pick-up van in question, he is having no criminal antecedent, the vehicle is a commercial vehicle and is being plied on hire basis, 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 Exclusive Special Excise Court No. I, Banka in connection with Dhankund Police Station Case No. 103 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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