

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33808 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

Binod Bhagat @ Vinod Bhagat Son of Ram Sewak Bhagat Resident of
Village- Gosai Tola, Police Station- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Shankar Sahay, Advocate
Mr. Varun Kumar, Advocate (AOR No. 0372)
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Excise Case No. 138 of 2016 registered for the offence punishable
under Section 47(a) of the Bihar Excise Act.

The prosecution case, in brief, is that on N.H. 28,
one pick-up van bearing Registration No. BR-06GB-3423 was
seized in which nobody was present. On search, two bottles of 180
ML each of Mc Dowel No.1 Rum and two litres of toddy were
recovered from the said pick-up van.

It has been submitted by the learned counsel for
the petitioner that petitioner is innocent and just because he is the



owner of the said pick-up van, he has falsely been implicated in the aforesaid case. He submits that said vehicle was being driven by the driver of the petitioner, namely, Jabod Ali @ Jamal and it met with an accident and while the driver was going to inform the petitioner about the said accident, in the meantime, somebody kept the aforesaid bottles of liquor and toddy in the said vehicle. He submits that small quantity of liquor and toddy has been recovered from the said pick-up van and nothing has been recovered from the conscious possession of the petitioner. He submits that petitioner has no criminal history, as is evident from paragraph 3 of this application and even otherwise being first offender, he may be enlarged on bail.

However, learned A.P.P. for the State submits that petitioner is the owner of the pick-up van from which aforesaid liquor and toddy were recovered, hence, opposes the prayer for bail.

Be that as it may, since the said incriminating article has not been recovered from the conscious possession of the petitioner and having no criminal antecedent, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten

thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Excise Case No. 138 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

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