

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11654 of 2017

Arising Out of PS.Case No. -170 Year- 2016 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sant Kumar Prasad @ Sant Jaiswal son of Late Girija Prasad Resident of
Bhawanipur, PS Sangrampur, District - East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-03-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Kotwa P.S.
case no. 170 of 2016 instituted for the offence under Section 30(a)
of Bihar Prohibition & Excise Act.

As per written report, 244 bottles of Royal Stag
Classic Whisky of 750 ml. each was recovered from a Honda city
car. The driver Jitendra Paswan was apprehended and he disclosed
that the wine belongs to the owner Sant Jaiswal.

It has been submitted on behalf of petitioner that he
is not the owner of the aforesaid vehicle. He has filed
supplementary affidavit in support of the said statement. He has
also filed the details obtained from internet which shows that the



owner of the vehicle is Bengal United Credit B HSG Ltd. It has further been submitted that the apprehended driver was working with the petitioner but he has been discontinued from the job and therefore, he has taken the name of this petitioner.

Be that as it may, from the written report itself, it appears that the petitioner was not present on the spot. The driver who has been apprehended has taken the name of this petitioner. As per supplementary affidavit, the petitioner is not the owner of the vehicle in question.

Considering the aforesaid facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Kotwa P.S. case no. 170 of 2016, he shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Sanjay Priya, J.)

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