

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53633 of 2017

Arising Out of PS. Case No.-183 Year-2017 Thana- Madanpur District- Aurangabad

Md. Shamim Akhtar @ Shamim Akhtar S/o Md. Tasaduque Hussain, R/o
Moh. Baratpur, Gangati Road, PS and District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 09-11-2017 Heard Sri Tej Narayan Singh, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Madanpur P.S. Case No. 183 of 2017 registered for offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that it is true that petitioner is registered owner of a tempo, which was being used as public carrier and it was run by a driver namely Raj Kishore Yadav. He submits that without knowledge or consent of the petitioner, it appears that driver was carrying huge quantity of country-made liquor in the tempo and he was intercepted and arrested by the police. By way of referring to F.I.R., learned counsel for the petitioner submits that



even nothing has been indicated that driver even had disclosed that he was carrying the liquor with the consent of the petitioner or as per instruction of the petitioner. Save and except the fact that petitioner was owner of the vehicle, there is no other material to connect him in the present case and petitioner is having clean antecedent, which fact has been stated in paragraph – 3 of the petition.

Considering the facts & circumstances as well as clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Md. Shamim Akhtar @ Shamim Akhtar be enlarged 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 Addl. Sessions Judge VII cum Special Judge, Excise, Aurangabad in connection with Madanpur P.S. Case No. 183 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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