

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31343 of 2018

Arising Out of PS. Case No.-193 Year-2016 Thana- Gaighat District- Muzaffarpur

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Shami Ahmad S/o Nur Ahmad, R/o Vill.- Pirauchha (Beniwad), P.O. + P.S.-
Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 26-06-2018 Heard Sri Raju Kumar, learned counsel for the
petitioner and Sri Chandra Bhushan Prasad, learned Addl.
Public Prosecutor.

The sole petitioner, apprehending his arrest in
Gaighat P.S. Case No. 193 of 2016 registered for offence under
Sections 272 & 273 of the Indian Penal Code and Sections
30(A) & 35(A) of Bihar Prohibition and Excise Act, 2016, has
prayed for grant of bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner
has drawn my attention to statement made in paragraph – 3 of
the petition to show that petitioner is having clean antecedent.
He further submits that petitioner has been made accused in the
present case only on the ground that public carrier vehicle of the
petitioner i.e. *Mahindra & Mahindra* was intercepted by the



police loaded with the liquor. The vehicle was intercepted with the driver and driver was made accused. It has been argued that driver, without knowledge of the petitioner, was carrying liquor. Even the petitioner was not initially made accused, but subsequently, for release of the vehicle, the petitioner approached this Court by filing a petition, vide Cr.W.J.C. No. 2044 of 2017, which was disposed of on 15-11-2017 by a Bench of this Court with direction to release the vehicle and when the petitioner approached for release of the vehicle, he has falsely been made accused in the present case. Learned counsel for the petitioner has specifically drawn my attention to statement made in paragraph – 11 of the petition to show that after the order of this Court, for release of the vehicle, he was made accused.

In view of the fact that petitioner is having clean antecedent and the fact that vehicle, from where seizure was effected, was a public carrier vehicle, there is no reason to refuse the prayer for grant of anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Shami Ahmad 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 Special Judge, Excise Act,



Muzaffarpur in connection with Gaighat P.S. Case No. 193 of 2016, subject to condition as contemplated under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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