

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31569 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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1. Salamu Khan, Son of Jabar Khan, Resident of Village- Badki Sarimpur, P.S. Buxar, District Buxar.
 2. Sonu Yadav, Son of Ramashankar Yadav, Resident of Village- Govindpur (Bharouli), P.S. Narahi, District Baliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Bachan Jee Ojha, Advocate
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-06-2018 Heard Sri Bachan Jee Ojha, learned counsel for
the petitioners and learned Additional Public Prosecutor.

Two petitioners, who are owner and driver of a vehicle, from which huge quantity of Indian make foreign liquor was recovered, have approached this court for grant of bail in the event of their arrest or surrender in connection with Excise Case No. 68 (O) of 2018, registered for the offence under Section 13 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that both the petitioners have falsely been implicated in the present case. The vehicle in question was hired by someone else and without knowledge of petitioners they were



carrying liquor.

Fact remains that petitioner no. 1 is the registered owner of the vehicle in question from which huge quantity of Indian make foreign liquor has been recovered, and as such, it would not be appropriate to extend the privilege of anticipatory bail to petitioner no. 1. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 1 stands rejected.

So far allegation against petitioner no. 2 is concerned, it was alleged that petitioner no. 2 was driver of the vehicle in question, however, learned counsel for the petitioners submits that there is no cogent material against him and petitioner no. 2 is having clean antecedent which fact has been stated in paragraph no. 3 of the petition.

In view of the facts and circumstances, in the event of his arrest or surrender within a period of six weeks from today, let petitioner no. 2 / Sonu Yadav be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.- II cum Special Judge (Excise) Buxar / concerned court in connection with



Excise Case No. 68(O) of 2018 subject to the conditions
as contemplated under Section 438 (2) of the Code of
Criminal Procedure, 1973.

(Rakesh Kumar, J)

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