

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 54695 of 2018

Arising Out of PS. Case No.-275 Year-2016 Thana- Majorganj District- Sitamarhi

Moti Mahto, S/o Bhola Mahto, Village- Sangramfandha, P.S.- Riga, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh
Mr. Ritesh Kumar Narain Singh
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 06-10-2018 Heard Sri Aditya Narayan Singh, learned counsel assisted by Sri Ritesh Kumar Narain Singh, learned counsel for the petitioner and Sri Mrityunjay Kumar Gautam, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Majorganj P.S. Case No. 275 of 2016 registered for offence under Sections 30(A) of 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 petitioner has been arrayed as accused in the present case, since he is registered owner of a public carrier vehicle, bearing registration no. BR06GA-2377. He has drawn my attention to formal F.I.R. to show that F.I.R. was lodged against driver and owner of the vehicle. It has been argued that the driver of vehicle, without knowledge or consent of the petitioner, was



carrying 24 liters of Nepali Saufi wine and after noticing the police, the driver fled away and petitioner has been made accused only on the ground that he is owner of the vehicle. Learned counsel for the petitioner has also drawn my attention to statement made in paragraph-3 of the petition to show that petitioner is having clean antecedent.

Sri Gautam, learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail.

However, considering the nature of accusation, clean antecedent as well as the fact that petitioner is only owner of the public carrier vehicle, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Moti Mahto 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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Majorganj P.S. Case No. 275 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

anay

U		T	
---	--	---	--

