

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 33922 of 2018**

Arising Out of PS. Case No.-93 Year-2018 Thana- Digha District- Patna

Manoj Kumar, son of Janak Prasad Singh, resident of Domaria, P.O-  
Anishabad, P.S.- Gardanibagh, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Jainendra Kumar Pushkar  
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 14-06-2018 Heard Sri Jainendra Kumar Pushkar, learned counsel  
for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, having clean antecedent, which fact has been stated in paragraph – 3 of the petition apprehending his arrest in Digha P.S. Case No. 93 of 2018 registered for offence under Sections Section 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner, by way of referring to F.I.R., submits that it is true that petitioner is owner of auto-rickshaw (tempo), but fact remains that the said tempo was running as public vehicle through a driver and the driver of the vehicle, without consent or knowledge of the petitioner, was carrying about 45 liter of Mahua liquor, which was intercepted



by the police and petitioner, being owner of the vehicle, has been made accused. He submits that save and except the fact that petitioner is owner of the vehicle, there is no other material to connect the petitioner in the present case.

In view of the fact that petitioner is having clean antecedent and the fact that he is owner of the vehicle, there is no reason to refuse the prayer for bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Manoj Kumar 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, Patna in connection with Digha P.S. Case No. 93 of 2018 (Spl. Case No. 1420 of 2018), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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