

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32751 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- KHAIRA District- Jamui

Upendra Chauhan , Son of Sri Gorelal Chauhan, Resident of village -
Pindparwan (Pinpakara), P.S.- Pakari Barawan, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Prakash Mahto

For the Opposite Party/s : Sri Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Prakash Mahto, learned counsel for the
petitioner and Sri Lakshmi Kant Sharma, learned Additional
Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Khaira P.S. Case No. 126 of 2018, registered for the offence under Section 272/ 273 /34 of the Indian Penal Code, 1860 and Section 30(a)/ 38(1) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant bail in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner has drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent. It has been argued by learned counsel for the petitioner that it is true that petitioner is the registered owner of the Scorpio from



which huge quantity of Indian make foreign liquor and country made liquor was shown to be recovered , but fact remains that petitioner was not at all aware that the vehicle was being driven by his driver and without his knowledge or consent he was carrying illegal liquor which was intercepted and driver along with two others were arrested and petitioner only being owner of the vehicle has been made accused.

In view of the fact that petitioner is having clean antecedent, the court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let petitioner Upendra Chauhan 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 2nd Additional Sessions Judge , Jamui / concerned court in connection with Khaira P.S. Case No. 126 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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