

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 55678 of 2018**

Arising Out of PS. Case No.-395 Year-2017 Thana- Dhanarua District- Patna

- 
1. Baban Prasad Singh son of Sidheshwar Singh, Resident of Village - Dumra, Police Station - Dhanarua, District - Patna.
  2. Birendra Kumar Vidyarthi @ Rajiv Kumar @ Rajiv Prasad son of Naresh Kumar, Resident of Village - Makhdumpur, Police Station - Dhanarua, District - Patna.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

---

**Appearance :**

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra  
For the Opposite Party/s : Dr. Indihar Kumari

---

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

3. 06-10-2018                      Heard Sri Vibhuti Ranjan Sonvadra, learned counsel for the petitioners and Dr. Indihar Kumari, learned Addl. Public Prosecutor.

Two petitioners, who are owner of tractors, apprehending their arrest in Special Case No. 5419 of 2017, arising out of Dhanarua P.S. Case No. 395 of 2017 registered for offence under Sections 420, 467, 460, 468, 471, 414 of the Indian Penal Code and Section 37(c) of Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that both the tractors were intercepted by the police



on an accusation that driver of the vehicle was in drunken condition. After interception, besides case under the provision of Bihar Prohibition and Excise Act, 2016 and Indian Penal Code, one another case was also lodged for offences under the Bihar Minor Mineral Concession Rules, 1972 and Bihar Mineral Prevention of illegal Mining Prevention and storage Rules, 2003. He submits that for the offence under the Minor Mineral Rules, an F.I.R., vide Dhanarua P.S. Case No. 409 of 2017, was registered, in which, both the petitioners have already been granted anticipatory bail by the court below itself, which fact has been stated in paragraph – 10 of the petition. He submits that the present case is primarily for the offence of Bihar Prohibition and Excise Act, 2016 as well as one allegation has been made that the driver, by using different number plate, was plying the vehicle. It has been argued that petitioners, being owner of their tractor, were not at all aware regarding such omission or commission committed by the driver.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail.

However, considering the nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let both petitioners namely Baban Prasad Singh and



Birendra Kumar Vidyarthi @ Rajiv Kumar @ Rajiv Prasad be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 5419 of 2017, arising out of Dhanarua P.S. Case No. 395 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

anay

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

