

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73736 of 2018

Arising Out of PS. Case No.-417 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. Jhulan Mahto S/o Jagarnath Mahto R/o Vill Biritiya Lokanathpur
P.S. Turkawalia Dist. East Champaran
 2. Nejamuddin @ Bijli Sah @ Bijli Dewan
 3. Merajul Both S/o Aash Mohammad Both R/o Jhakhiya
(Panrukhiya) P.S. Turkawalia Dist East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Sri Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioners are apprehending arrest in connection
with Turkawalia P.S. Case No. 417 of 2018 for the offence
under sections 273, 273/34 of the Indian Penal Code and
sections 30(a), 38(i) 41(i) of Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioners submits that
petitioner nos. 1 and 3 have no criminal antecedent whereas one
case is pending against petitioner no.2.

Considering the fact that petitioner no.2 has
criminal antecedent, the Court is not inclined to grant



anticipatory bail to petitioner no.2. However, liberty shall be available to the petitioner no.2 to file petition for regular bail on surrender before the court below and the court below is directed to dispose of the same on the same day without being influenced by the rejection of the application for anticipatory bail.

Learned counsel for the petitioners submits that the owner of the truck was not aware that the driver of the truck used the truck for transportation of spirit.

Considering the fact that petitioner no.1 is the employee of the petitioner no.3 and petitioner no.3 is the owner of the truck having no criminal antecedent, the Court is inclined to grant bail to the petitioner nos. 1 and 3, let the petitioners, namely, Jhulan Mahto and Merajul in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 7th Addl. Sessions Judge cum Special Judge Excise, East Champaran, Motihari, in connection with Turkawalia P.S. Case No. 417 of 2018 on the condition that in the event the truck is found used in future, the court below is at



liberty to cancel the bail bonds of the petitioners with other
condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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