

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58634 of 2018

Arising Out of GOVERNMENT OFFICIAL COMP. Excise Case No. 96C2 of 2018 District-
Jamui

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Abhiyash Burnwal @ Abhyash Barnwal , son of Anil Burnwal, resident of
village - Rohni, P.S.- Jasidih, District- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Manoj Kumar, Advocate
For the Opposite Party/s : Sri Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2018 Heard Sri Manoj Kumar, learned counsel for the

petitioner and Sri Md. Fahimuddin, learned Additional Public

Prosecutor.

The sole petitioner, having clean antecedent, which
fact has been stated in paragraph - 3 of the petition,
apprehending his arrest in connection with Excise Case No.
96C² of 2018, registered for the offence under Section 30(A)
of the 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 it is true that petitioner is the owner of the tempo which
was intercepted by Police, but fact remains that the said tempo
was being driven by a driver who after noticing Excise



Officials fled away and from the tempo about 9 liters of Indian make foreign liquor was shown to be recovered. It has been reiterated that petitioner is only owner of the vehicle, but not driver of the vehicle in question.

Sri Md. Fahimuddin, learned Additional Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail on the plea that petitioner was driver as well as owner of the vehicle.

Be that as it may, considering the nature of accusation and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let petitioner - Abhiyash Burnwal @ Abhyash Barnwal 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 A.D.J. IInd, Bhojpur, Ara / concerned court in connection with Excise Case No. 96C² 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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