

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4667 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -CHANDAUTI District- GAYA

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Md. Salim @ Salim Mian, Son of Mohibullah @ Kallu, Resident of
Mohalla- Murarpur, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-02-2018

Heard the learned counsels for the petitioner and the
State.

The petitioner seeks bail in anticipation of his arrest
in connection with Chandauti P.S. Case No. 173 of 2017 dated
05.11.2017 instituted for the offences under Sections 30 (a), 32
(2), 38 and 45 of the Bihar Excise Prohibition Act, 2016.

The FIR reveals that the officer-in-charge of the
police station intimated the informant that four persons including
the petitioner are traveling in a Tata Sumo vehicle and they are
carrying liquor with them which is prohibited under the Bihar
Excise Prohibition Act, 2016. On such intimation, the Sumo
vehicle with the same registration number about which
information had been given by the officer-in-charge of the police



station, was spotted by the police party. The miscreants who were occupying the vehicle managed to escape. From the vehicle, 12 plastic bags containing 2400 pouches of country made liquor weighing about 480 litres was recovered.

Learned counsel for the petitioner has submitted that the source of information to the officer-in-charge in taking the name of the petitioner is not known. The petitioner was neither occupying the Sumo vehicle nor is in any way connected with the sale or purchase of banned liquor. It has further been submitted on behalf of the petitioner that the entire information provided to the informant (raiding party) appears to be based on some unknown information, the source of which has not been disclosed.

The petitioner earlier was made accused in a case of arms act in which he has been granted bail.

In the event of not being arrested at the spot, the petitioner above named is directed to be released, in the event of his 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, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court, Gaya in connection with Chandauti P.S. Case No. 173 of 2017, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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