

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33351 of 2018

Arising Out of PS. Case No.-231 Year-2017 Thana- Mairwa District- Siwan

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Mahesh Prasad, Son of Mahendra Prasad, Resident of Village- Purani Bazar,
Mairwa, Police Station- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 26-06-2018 Heard Sri Ashok Kumar, learned counsel for the
petitioner. None appeared on behalf of State.

The sole petitioner, apprehending his arrest in Mairwa P.S. Case No. 231 of 2017 registered for offence under Sections 272, 273, 308, 420, 34 of the Indian Penal Code and Section 30(A), 41(i) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner, at the very outset, has drawn my attention to statement made in paragraph 3 of the petition to show that petitioner is having clean antecedent. It has also been argued that petitioner in the present case has been made accused because of the fact that he is owner of a pick-up van, which was found at the place of occurrence and from the pick-up van from the driver-seat, a bottle containing 1.5 liter Indian made foreign liquor was recovered. He accepts that from the premises, near which his vehicle was standing, huge



quantity of foreign liquor was recovered, but the petitioner being owner was not at all knowing about carrying of such liquor on his vehicle. Learned counsel for the petitioner further submits that the pick-up van was a public carrier vehicle and it was being driven by the driver. According to learned counsel for the petitioner, save and except the fact that petitioner is owner of vehicle in question, there is no other material to connect him in the present case.

Be that as it may, considering the clean antecedent of the petitioner as well as the fact that vehicle of the petitioner was public carrier and he was only owner of the vehicle, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Mahesh Prasad be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Siwan in connection with Mairwa P.S. Case No. 231 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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