

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35992 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- Baisi District- Purnia

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Raj Kishore Yadav @ Raj Kishore Singh, Son of Musharu Yadav alias Mahanand Yadav, Resident of Village- Rampur North, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-06-2018 Heard Sri Praveen Kumar Agarwal, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, having clean antecedent which fact has been stated in paragraph – 3 of the petition apprehending his arrest in Baisi P.S. Case No. 256 of 2017 registered for offence under Section 273 of the Indian Penal Code and Sections 30(a), 41 of 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 owner of the tempo, bearing registration no. BR11T-6295, but the said tempo was being driven by his driver, as a public carrier vehicle. In this case, from his tempo, about 48 liters of Indian make foreign liquor was recovered and petitioner, being owner of the vehicle, has



been made accused. He submits that driver was apprehended and he confessed that he had carried the liquor for one Sumit Singh, however; he disclosed the name of petitioner as owner of the vehicle. It has been reiterated by learned counsel for the petitioner that driver of the vehicle without any knowledge or consent of the petitioner *suo motu* was carrying said liquor and as such, petitioner is innocent.

Considering the fact that petitioner is having clean antecedent as well as except the fact that he was owner of the vehicle, there is nothing against the petitioner to connect him in the present case.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Raj Kishore Yadav alias Raj Kishore Singh 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 Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 256 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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