

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8144 of 2019

Arising Out of PS. Case No.-38 Year-2018 Thana- PANDARAK District- Patna

Rajesh Prasad Gupta s/o Naresh Prasad Sah, Resident of House No 82, Ward No 27, Karnibag, Hathi Pahar, P.S. Deoghar, District - Deoghar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-02-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Pandarak P.S. Case No. 38/2018 dated 02.04.2018 (Special Case No. 3144/2018) instituted for the offence under Section 30(a) of the Bihar Prohibition & Excise Act.

During the course of police patrolling, a Scorpio vehicle was intercepted from where consignment of liquor is said to have been recovered. The Driver of the vehicle ran away in the process. The petitioner happens to be the owner of the aforesaid vehicle which he had given for plying to his Driver. The Driver of the



petitioner had borrowed the vehicle for using it in marriage, but without the knowledge of the petitioner, used it for carrying liquor. Learned counsel for the petitioner has submitted that thus there is no recovery either from the petitioner or from his constructive possession.

Regard being had to the aforesaid facts as also taking into account clean antecedent of the petitioner, he is directed to be released on bail, 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna in connection with Pandarak P.S. Case No. 38/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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