

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8799 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Rakesh Kumar Gupta @ Rakesh Kumar, aged about 36 years, Male, S/o
Kishori Lal, Resident of Village Brahampur, P.S. Phulwari Sharif, District
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Rajiv Nayan (App 231)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-02-2019 Heard both sides.

Petitioner apprehends his arrest in Special Case
No.5919 of 2018, corresponding to Bypass Thana P.R. Case
No.67 of 2018, registered under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2016.

The police intercepted an auto rickshaw and
recovered 300 litres of toddy. The driver of the auto rickshaw
fled away.

Learned counsel for the petitioner submits that the
petitioner is the owner of the auto rickshaw and only on account
of this fact the petitioner has been made accused in the case. The
driver was driving the vehicle for transporting the passengers
but he was illegally carrying toddy for that the petitioner being



owner of the vehicle cannot be held responsible.

Taking into consideration the facts aforesaid and the fact that the petitioner is made accused only because he is owner of the vehicle, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order 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 the learned Special Judge, Excise, Patna in connection with Special Case No.5919 of 2018, corresponding to Bypass Thana P.R. Case No.67 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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