

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11363 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- SHYAMPUR BHATHA District-
Sheohar *

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MAHENDRA PRASAD SINGH @ MAHINDRA SINGH, Son of Binda Singh, Resident of Village - Rupaulia, Virta, Ward No. 11, P.S.- Fenhara, Distt.- East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Shyampur Bhattha P.S. Case No. 127 of 2018 registered for the offences punishable under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016 and Section 185 of the Motor Vehicle Act.

Learned counsel for the petitioner submits that the petitioner is owner of the vehicle from which illicit bottle containing 375 ml of liquor has been recovered. Learned counsel further submits that the petitioner was not on the vehicle



when it was intercepted by the police. The two passengers boarded on the vehicle had accepted that it was their bag in which the illicit liquor was lying. It is, thus, submitted that the offence was not being committed within the knowledge of this petitioner.

Learned APP for the State is present and has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case wherein it appears that the petitioner is owner of the vehicle and for that reason alone he has been made accused in the present case without there being any material to connect him with the alleged occurrence and it is the submission of the learned counsel for the petitioner that the petitioner has no criminal antecedent, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Shyampur Bhattha P.S. Case No. 127 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from



today and shall cooperate in course of investigation. This will be
in addition to condition prescribed under Section 438(2) of the
Cr.P.C.

(Rajeev Ranjan Prasad, J)

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