

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11979 of 2019

Arising Out of PS. Case No.-270 Year-2018 Thana- GUTHANI District- Siwan

1. SAHJAD ALAM, Son of Nasim Ali Akhtar alias Munna Resident of Village - Dargashi, P.S- Sidhwaiya, Distt.- Gopalganj.
2. Md. Ali Afsar, S/o Md. Rasul Miyan Resident of Village - Paithan, P.S.- Thawe, Distt.- Gopalganj.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-04-2019 Petitioners seek bail in anticipation of their arrest in connection with Guthani P.S. Case No. 270 of 2018, registered for the offences punishable under Sections 30(a), 38(1) and 41(1) of Bihar Prohibition and Excise Act.

Petitioner No.1 is the driver of EON Hyundai car and petitioner No.2 is the owner of the said vehicle and allegation as per FIR is of recovery of 207 litres and 306 ML of liquor from the said vehicle.

Submission of learned counsel for the petitioners is that as a matter of fact petitioner No.2, the owner of the vehicle, is mostly residing in foreign and he has given the car to one Sudama Prasad in connection with marriage in his house and



actually he has no concern with the seized article.

Heard learned APP, who has opposed the prayer for anticipatory bail but has stated from perusal of the case diary in paragraph 27 that petitioner No.2 is mostly residing in foreign and there is no material that he has given the car to Sudama Prasad and petitioners are named in the FIR.

Having heard both sides and in the facts and circumstances, as stated above, let petitioner No.2, above named, surrender within a period of six weeks from the receipt of this order and make prayer for regular bail and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge-II, Siwan, in connection with Guthani P.S.Case No. 270 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned.

So far petitioner No.1 is concerned, I am not inclined to grant the privilege of anticipatory bail to him. He should surrender and make prayer for regular bail, which shall be



considered on the basis of the materials available on the record.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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