

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15389 of 2019

Arising Out of PS. Case No.-94 Year-2018 Thana- AMBA District- Aurangabad

=====

BABAN SINGH Son of Ramsaran Singh Resident of Village - Suja Karma,
P.S.- Aurangabad Muffasil, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise, Act.

The prosecution case got initiated on the basis of written
report of Krishna Rai, A.S.I., Amba Police Station submitted to
the Station House Officer, Amba Police Station is to the effect
on 26.10.2018, during vehicle check, one motorcycle was
intercepted being driven by co-accused Ravi Shankar Kumar.
On frisking, from the motorcycle, sixty sachets of 200 ml. each
illicit country made liquor were recovered. Subsequently, a car
was also intercepted which was being driven by co-accused,
Zamil Kuraishi from which, 300 litres of illicit country made
liquor were recovered. The FIR was registered against co-



accused, Ravi Shankar Kumar and Zameel Kuraishi. Subsequently, during investigation, it transpired that the intercepted motorcycle was registered in the name of the petitioner and co-accused, Ravi Shankar Prasad is none else than the son of the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, the petitioner was not driving the motorcycle, rather it was being driven by the son of the petitioner and from whose possession the said recovery was made. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the intercepted motorcycle from which the said recovery has been made was subsequently found registered in the name of the petitioner.

Considering the fact that this is not the case of the prosecution that the petitioner was driving the motorcycle in question, rather it was being driven by the son of the petitioner from whose possession the said recovery has been made, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner



be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Amba P.S. Case No.94 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

