

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17703 of 2019

Arising Out of PS. Case No.-546 Year-2016 Thana- BARACHATTI District- Gaya

MD. AKHTAR HUSSAIN, aged about 35 years(M), Son of Abdul Gani Siddique Resident of Village- Barun, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

The petitioner apprehends his arrest in Barachatti P.S.
Case No.546 of 2016 registered under Sections 272, 273 of the
Indian Penal Code and Sections 30(a), 32(2), 38 and 47 of Bihar
Prohibition and Excise Act.

The informant, police official of Barachatti P.S.
alleged that on secret information, he intercepted an auto
rickshaw bearing registration No.BR-26H-5639 and
apprehended three women who were found carrying country
made liquor. Suraj Kumar, the driver of the auto rickshaw
disclosed that he purchased the auto rickshaw from the
petitioner through an agreement to sale.

The learned counsel for the petitioner submits that
petitioner has no manner of concern with the auto rickshaw. He



has already sold the auto rickshaw and the driver of the auto rickshaw was carrying the passengers and the passengers were carrying bags containing country made liquor.

Taking into consideration the facts that the petitioner was the erstwhile owner of the auto rickshaw and petitioner had already sold the auto rickshaw, let the 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 the order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Barachatti P.S. Case No.546 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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