

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25130 of 2019

Arising Out of PS. Case No.-281 Year-2018 Thana- GUTHANI District- Siwan

Sita Ram Yadav S/O Late Chandeshwar Yadav Resident of Village- Singpur
Pachbaniya Tola, P.S.- Assaon, District- Siwan (owner of motorcycle bearing
registration no. BR- 29U-3745)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Guthani P.S. Case no.281 of 2018 registered under Section
30 (a), 38 (1) and 41 (1) of the Bihar Prohibition and Excise
Act, 2016.

3.960 liters of foreign liquor is said to have been
recovered from the dicky of the motorcycle of the petitioner and
its driver managed to escape.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner. He has no
concern with the seized liquor. Though the petitioner happens



to be owner of the said motorcycle but he has given the said motorcycle for repairing to mechanic and he had no knowledge of carrying the liquor in the said motorcycle by the said mechanic. He was not apprehended on the spot. He has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 A.D.J.-II-cum-Special Judge Excise Act, Siwan in connection with Guthani P.S. Case No. 281 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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