

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27940 of 2019

Arising Out of PS. Case No.-267 Year-2017 Thana- BAUNSI District- Banka

Chandeshwari Prasad Yadav Son of Late Awadh Prasad Yadav, Resident of
Village - Baijnathpur, P.S.- Sour Bazar, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-04-2019 Heard both sides.

The petitioner apprehends his arrest in Bounsi P.S.
Case No.267 of 2017 registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant intercepted a Scorpio vehicle bearing
registration no.BR-11Y-3011. The driver of the vehicle fled
away but one Mukesh Kumar Yadav, who was sitting inside the
vehicle, was apprehended. From the said vehicle, 950 pouches
of country made liquor were recovered.

Learned counsel for the petitioner submits that the
petitioner is the owner of the vehicle. Mukesh Kumar Yadav
(son of the petitioner) had taken the vehicle for his personal
work and while he was returning, he loaded country made liquor
in the vehicle. The son of the petitioner was apprehended while



sitting inside the vehicle. Mukesh Sharma (driver of the vehicle) managed to flee away. The petitioner has committed no offence and without the consent or knowledge of the petitioner, the son of the petitioner and the driver of the vehicle were carrying liquor on the vehicle. The petitioner is made accused only because he happens to be the owner of the vehicle.

Having considered the fact that the son of the petitioner and the driver of the vehicle had taken the vehicle and they were carrying liquor but there is nothing on record to show that the son of the petitioner and the driver of the vehicle were carrying liquor with the consent or knowledge of the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Bounsi P.S. Case No.267 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

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

