

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27516 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- VAISHALI District- Vaishali

=====

RABINDRA KUMAR RAI Son of Late Sakal Rai Resident of
Village/Mohalla-Anand Vihar Colony, P.O-Rukunpura, P.S.-Rajeev Nagar,
District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

=====

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

ORAL ORDER

5 30-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Vaishali P.S. Case No. 08 of 2019, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016..

450 liters of foreign liquor is said to have been
recovered from Bolero Pick-Up Van of the petitioner and driver
of the said vehicle made good his 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 he happens to be owner



of the said vehicle but he had given the vehicle to the driver Pintu Kumar for plying the same and he had no knowledge of transporting the liquor in the vehicle by said driver. Petitioner was neither present in the vehicle nor is said to have escaped from the vehicle at the time of occurrence while only driver of the vehicle is said to have escaped from the vehicle, hence, no offence under Excise Act is made out against the petitioner. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

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 Additional Sessions Judge, 2nd-cum-Special Judge, Excise, Act, Vaishali at Hajipur in connection with Vaishali P.S. Case No.08 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

T.Kr./-

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

