

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35218 of 2019**

Arising Out of PS. Case No.-51 Year-2019 Thana- SANHAULA District- Bhagalpur

MD. IMTIYAJ @ IMTEYAZ Sonof Md. Mansoor Resident of Village -
Rajpur, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-05-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 27.03.2019
in a case registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

From an auto rickshaw, 28.200 litres of Indian Made
Foreign Liquor were recovered. It is alleged that the petitioner
was the driver of the alleged auto rickshaw.

It is submitted by learned counsel for the petitioner that the
recovery has been made from a public carrier and the said liquor
was actually carried by a passenger, who managed to escape
from the scene and the petitioner was not aware of the illicit
liquor being carried by a passenger. A statement has been made
in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP submits that the petitioner is simply the driver of the alleged auto rickshaw from which recovery has been made.

Considering the fact that recovery has been made from a public carrier and the period under custody, coupled with the 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 bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Sanhoulla P.S. Case No. 51 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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