

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46011 of 2019**

Arising Out of PS. Case No.-90 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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ABDUL MAJID Son of Doman Khan Resident of Village- Richamore, Police
Station- Basantrai, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 25-07-2019 Heard both sides.

The petitioner apprehends his arrest in Excise case No. 90 of 2019 registered under Section 30(a) of the Bihar Prohibition & Excise Act.

The Excise officials on secret information started checking vehicles but three persons coming on a motor cycle bearing registration No. BR10AA-6540 signaled the driver of Bolero to flee away. The motor cyclists and the persons sitting in the Bolero bearing registration No. JH17R-5576 were apprehended and on search 360 bottles each containing 375 ml. Indian Made Foreign Liquor were recovered from the Bolero.

The learned counsel for the petitioner submits that petitioner is registered owner of the Bolero vehicle bearing registration No. JH17R-5576. Md. Taslim, who was sitting with the driver of vehicle, took the vehicle for taking his ailing mother to hospital but the accused persons without the knowledge of the petitioner were transporting liquor in the vehicle of the petitioner. It is further submitted that petitioner



has got no criminal antecedent.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that, of course, petitioner is owner of the vehicle but he was not apprehended on the spot rather the driver and other persons, who were carrying liquor, were apprehended, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur in connection with Excise case No. 90 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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