

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46691 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- KUTUMBA District- Aurangabad

SUDHIR KUMAR, aged about 30 years, Gender-male, S/O Kanhaiya Singh
Resident of Village- Baruna, P.S.- Ankorhigola, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Heard both sides.

The petitioner apprehends his arrest in Kutumba P.S.
Case No.83 of 2019 registered under Section 30(a) of Bihar
Prohibition and Excise Act.

The informant, S.H.O. of Kutumba P.S., intercepted a
vehicle bearing registration No.JH10BT-8751. The driver of the
vehicle after seeing the police managed to flee away. The
informant recovered 760 liters of country made liquor kept in
the vehicle. From the driving license and owner book recovered
from the vehicle, the informant came to know that Sudhir
Kumar is the owner of the vehicle and Balwant Kumar Gaurav
was driving the vehicle.

The learned counsel for the petitioner submits that it
was Balwant Kumar Gaurav who had taken the vehicle to ply on
hire but the petitioner was unaware of the fact that the driver
was illegally transporting liquor from the vehicle. From perusal
of the F.I.R., it would appear that one person, the driver of the
vehicle, managed to flee away. None else was sitting in the



vehicle.

Taking into consideration the fact that the petitioner is of course the owner of the vehicle but it transpired that it was driver who was driving the vehicle and on being intercepted, the driver of the vehicle managed to flee away although huge quantity of liquor was recovered from the vehicle and the fact that petitioner who is the owner of the vehicle has no knowledge about the transportation of liquor in the vehicle, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail 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 VII-cum-Special Judge(Excise), Aurangabad in connection with Kutumba P.S. Case No.83 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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