

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53160 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- BARHARA District- Bhojpur

VIKESH YADAV @ VIKASH YADAV Son of Kapil Yadav Resident of
Village - Tetaria (Salempur), P.S.- Ara (M), Distt - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-08-2019 Heard both sides.

The petitioner apprehends his arrest in Barhra(Sinha
O.P.) P.S. Case No.29 of 2019 registered under Section 30(a) of
Bihar Prohibition and Excise Act.

The police on secret information intercepted a
motorcycle and arrested one Jaiprakash Yadav but one person
managed to flee away. Jaiprakash Yadav disclosed the name of
the person who managed to flee away as Dipu Yadav. Jaiprakash
Yadav further disclosed that Dipu Yadav had brought the
motorcycle. From the motorcycle, 83 bottles each containing
180 ml. of 8 P.M. Special Rose Blend of Scotch Indian Whiskey
and 17 bottles of Royal Challenge Classical Premium Whiskey
each containing 375 ml. were recovered.

The learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. Name of the petitioner figured during the course of investigation as the petitioner is the owner of the vehicle on which Jaiprakash Yadav and Dipu Yadav were carrying liquor. Dipu Yadav happens to be relative of the petitioner and it was Dipu who borrowed the motorcycle of the petitioner and Dipu along with Jaiprakash without knowledge of the petitioner were carrying liquor on the motorcycle of the petitioner.

It appears that neither Jaiprakash nor Dipu disclosed the name of the petitioner. It was Jaiprakash and Dipu who were carrying the liquor and petitioner happens to be relative of Dipu who took the motorcycle of the petitioner for his personal use but without giving any knowledge to the petitioner, Dipu was carrying liquor on the motorcycle.

Taking into consideration the facts aforesaid, 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 A.D.J. IV-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No.130/19 arising out of



Barhra(Sinha O.P.) P.S. Case No.29 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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