

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56887 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- NTPC KHAIRA District- Aurangabad

BALDEO SINGH, aged about 46 years, Male, S/o Late Ramadhar Singh, R/o village and Muhalla- Satyendra Nagar, P.S.- Aurangabad Town, District- Aurangabad (Bihar) ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Leelawati Kumari, Adv.
For the Opposite Party : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with NTPC Khaira P.S. Case No. 43 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty one motorcycle was seen on which two persons were seated. On giving the signal to stop the motorcycle, bearing registration no. BR-26B-8462, they started to flee away accelerating the speed of the motorcycle, but, both were chased and apprehended, who disclosed their names as Madhuri Nonia and Ankit Kumar. On search of bag kept on motorcycle, 12 pouches, each containing 200 ml country made liquor, recovered.

Learned counsel appearing for the petitioner submits that in fact the petitioner is the registered owner of the seized motorcycle, bearing registration no. BR-26B-8462, and the motorcycle of the petitioner was taken by Madhuri Nonia and



Ankit Kumar for going to market showing the urgent work and this petitioner had no knowledge about carrying the liquor by Madhuri Nonia and Ankit Kumar at the time of using the motorcycle of the petitioner. Petitioner has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with NTPC Khaira P.S. Case No. 43 of 2019 shall be released on pre-arrest 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 Additional Sessions Judge VII-cum-Special Judge, Excise, Aurangabad, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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