

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57005 of 2019

Arising Out of PS. Case No.-156 Year-2019 Thana- MADANPUR District- Aurangabad

Jogeshwar Bhuiya @ Jugeshwar Bhuiya, Aged about 58 years, Male, Son of Mahaveer Bhuiyan, Resident of Village Bhurungia, P.S. Mahuda, District Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-09-2019 Heard both sides.

The petitioner apprehends his arrest in Madanpur P.S. Case No.156 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The police on secret inputs intercepted a motorcycle on which two persons were coming but both the persons fled away after leaving the motorcycle. From a bag hanging on the handle of the motorcycle, 15 litres of country made liquor made of Mahua was recovered. The Mahaal Chowkidar disclosed that Bhola Bhuiyan and Musafir Bhuiyan fled away leaving the motorcycle on the spot.

Learned counsel for the petitioner submits that petitioner is the owner of the motorcycle. Bhola Bhuiyan is one



of the relations of the petitioner. He had borrowed the motorcycle for some work but the petitioner had no knowledge that Bhola Bhuiyan and his father would carry liquor on the motorcycle.

Taking into consideration the facts that the petitioner is the owner of the motorcycle but even Mahaal Chowkidar claimed and identified the persons, namely, Bhola Bhuiyan and Musafir Bhuiyan who managed to flee away after leaving the motorcycle on the spot, let 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 enlarged on bail on furnishing bail bond of Rs.10,000/- (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 Madanpur P.S. Case No.156 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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