

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60055 of 2019

Arising Out of PS. Case No.-305 Year-2018 Thana- BRAHMPUR District- Buxar

OM PRAKASH VERMA Son of Yogendra Verma Resident of Village-
Kharasara, P.S-Khejuri, District-Balia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2019 Heard both sides.

The petitioner apprehends his arrest in Brahmpur (Nanijore O.P.) P.S. case No. 305 of 2018 registered under Section 30A of the Bihar Prohibition & Excise Act.

The informant intercepted a vehicle bearing registration No. UP60T-5164 and recovered huge quantity of liquor. The police arrested Gama Yadav and one person, Raju Deubey, is said to have been fled away.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of petitioner surfaced in the case during the course of investigation only because petitioner is owner of the vehicle. It is submitted that petitioner had no knowledge that the driver loaded liquor on his vehicle for transportation in Bihar and for the acts of the driver



the petitioner has been made accused in the case. The petitioner has got no criminal antecedent.

Taking into consideration the facts that petitioner is owner of the vehicle and there is nothing on record to show that with the consent of the petitioner the driver of the vehicle loaded liquor on the vehicle for transportation in Bihar, 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, Buxar in connection with- Brahmpur (Nanijore O.P.) P.S. case No. 305 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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