

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62109 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Uday Shankar Rai, Son of Late Chandrman Roy Resident of Village-Nurpur,
Chandmari, Lodipur, P.S.-Shahpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha

For the Opposite Party/s : Mr.Pancha Nand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Shahpur P.R. No.61 of 2019, Special Case No.4636 of 2019, for the
offence punishable under Sections 30(a) and 56(b) of Bihar Excise
Act, 2016.

The allegation against the petitioner as per the
prosecution report is that Excise official intercepted a motorcycle
bearing Registration No.BR-01-CJ-9710 and recovered a total
quantity of 27 litres of foreign liquor from the said motorcycle and
also arrested the person who was driving the motorcycle namely,
Dharmveer Kumar. It has further been alleged that the name of the
petitioner has come on the basis of the fact that he happens to be the
owner of the motorcycle in question.

Mr. Prashant Sinha, learned counsel appearing for the



petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. Learned counsel further submits that though the petitioner is the owner of the motorcycle but the same was being driven by his son, i.e., co-accused, Dharmveer Kumar from whose possession 27 litres of illicit liquor has been recovered by the Excise official.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner has been dragged in this case merely on the basis of being owner of the motorcycle which was intercepted and was being driven by his son, Dharmveer Kumar. I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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