

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75966 of 2018**

Arising Out of PS. Case No.-92 Year-2018 Thana- AMBA District- Aurangabad

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Jitendra Kumar Ray, Son of Late Bashishth Ray, Resident of Mohalla- New Area, Aurangabad, P.O. P.S. District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anirudh Kumar Verma

For the Opposite Party/s : Mr.Sri Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      28-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since 13.10.2018 in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged from an auto rickshaw which was being driven by the petitioner, 280 litres of illicit country made liquor were recovered in 1400 sachets each containing 200 ml of liquor.

It is submitted by learned counsel for the petitioner that the petitioner is not the owner of the auto rickshaw in question and in fact, the alleged liquor was of the passenger travelling in the said auto rickshaw. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the recovery has been made from an auto rickshaw which was being driven by the petitioner.

Considering the fact that the investigation has already been concluded and the petitioner claims that he is not the owner of the vehicle in question, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII cum Special Judge (Excise), Aurangabad in connection with Amba P.S. Case No. 92 of 2018.

The bail bonds of the petitioner will be accepted provisionally for two months, in the meantime, let the learned Court below get verification made as to whether that the petitioner is owner of the auto rickshaw in question or not. If it is found that the petitioner is the owner of the auto rickshaw in question then this order will be ineffective and the provisional bail of the petitioner will not be confirmed and in that eventuality the petitioner will surrender and pray for bail. However, if it is found that petitioner is not the owner of



the vehicle in question then his bail bonds shall be finally  
accepted.

**(Dinesh Kumar Singh, J)**

DKS/-

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