

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68125 of 2019

Arising Out of PS. Case No.-361 Year-2019 Thana- KORHA District- Katihar

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MUKESH BHAGAT Son of Shambhu Bhagat Resident of Village-Gera Bari
(Bazar), P.S-Korha, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-11-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Korha P.S. Case no. 361 of 2019, registered under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of checking of the
vehicle, the informant saw that one Tempo was coming, when
informant gave signal to stop the vehicle then driver of the
tempo accelerated the tempo and succeeded to flee taking
advantage of darkness after leaving the tempo. On search, 30
bottles, each containing 750 ML, 8 bottles each containing 750
ML and 100 pouches, each containing 180 ML Indian made
foreign liquor recovered. Later on, Akash Kumar, driver of the
tempo was apprehended, who disclosed the name of petitioner



as owner of the tempo.

Learned counsel for the petitioner submits that, in fact, petitioner was the owner of the tempo, but the same was sold to one Akash Kumar, son of Manoj Prasad Sah, resident of Gerabari Bazar, P.O and P.S. Korha, District-Katihar on 13.08.2019 regarding which sale letter was also prepared, but name of the Akash Kumar could not be transferred in the owner book. Further submission is that petitioner is accused in C-1 Case No. 214 of 2017 as detailed in paragraph No.3 of the bail petition, but he is on bail in that case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the 2nd Addl. Sessions Judge-cum-Special Judge (Excise), Katihar in connection with Korha P.S. Case No. 361 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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