

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 73873 of 2019**

Arising Out of PS. Case No.-289 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

Shiv Kumar aged about 36 years, Gender – Male, Son of Munsii Ram Yadav  
Resident of Village- Sayar Ugapur, P.S.- Bhadohi, District- Bhadohi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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

2. 20-11-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Durgawati P.S.

Case No. 289 of 2018 registered for the offence under Sections  
30(A), 38 & 41 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on  
allegation of recovery of 1248 bottles of foreign liquor each  
containing 180 ml.(total 224 litres & 640 ml.) from a Bolero, the  
petitioner has been made accused in the present case, since  
petitioner is the owner of the vehicle in question and same is  
being driven by the driver and without his consent, he had  
loaded the aforesaid liquor. He further submits that the driver  
has already been granted bail by this Court, vide order dated  
17-12-2018 passed in Cr.Misc. No. 75793 of 2018. He submits  
that petitioner has got no criminal antecedent.



Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the petitioner above named 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 learned Special Judge, Excise, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 289 of 2018 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J.)**

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